POLITICAL SCIENCE

HIGHER SECONDARY
FIRST YEAR



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CHAPTER 1

THE STUDY OF POLITICS

"Those who study politics study a human activity."[1] The study of politics has been subject to controversies. There are a number of approaches to the study of politics. The earlier approaches were associated with history, philosophy and law. Currently, developments in sociology, psychology and statistics provide the base for the study of politics. Modern approaches to the study of politics had their beginnings in the United States of America. The Political Scientists of to-day are concerned with the problem of measuring political action and prediction of political behaviour. This development is of recent origin. Statistical quantification and scientific prediction find a prominent place in the contemporary methods of study of politics. This has not been the case earlier. It is worthwhile to trace briefly the transformation that has taken place in the approaches to the study of politics.

Political life has been the centre of study for well over two thousand years. The Greeks were the first to study in a systematic way the political life of men and speculate about it. The great Greek philosophers, Plato and Aristotle, studied the 'polis' and contributed much to political thought. It is from the Greek term 'polis' that the English term 'politics' is derived. The polis was a small, self-governing and self-supporting community. Plato and Aristotle were concerned with the question of good political life. This set in motion much philosophic speculation about the idea of State and the nature of political life. Political thought or philosophy contains speculations about the good life. Theorizing about political action and speculating about good life, have been the twin

1 P. B. Harris: Foundations of Political Science, p. 37.

rôles of the traditional approach which is designated as the normative approach.

In the modern period much importance has been attached to political theory which seeks to explain events and situations. The problem of people's participation in government, either directly or through their representatives, gave rise to much discussion from the Middle Ages upto the nineteenth century. This prompted much theorizing. A good number of scholars theorized about the role of man in State and politics. Of late, there has been an increasing integration of theorizing and research through the development of what has come to be called 'modern empirical theory.'[1]

"There was a time in the history of political science when it was possible to master the facts essential to the available level of understanding of political phenomena. But as in all other areas of life, the increasing specialization of labour in scientific inquiry has proceeded at such a pace that to-day the absorption of known facts has passed beyond the capacity of any individual or small group."[2]

Apart from the philosophy of the State and the theories of politics, political institutions have also received due attention in the study of politics. The formal aspects and structures of government have been systematically studied. To-day, the study of government has become an important part of politics. "Politics is the study of why man finds it necessary or desirable to build government, of how he adapts government to his changing needs, or demands, of how and why he decides on public policies. Politics is concerned with the conditions and consequences of human action."[3] The institutional or structural approach is the one used to study governments. This approach continues to be the predominant approach to the study of

1 S. L. Wasby: Political Science — The Discipline and Its Dimensions, p. 37.

2 D. Easton: A Systems Analysis of Political Life, p. 471.

3 H. Eulau: The Behavioural Persuasion in Politics, p. 135.

politics. Somit and Tanenhaus described this approach as "a routine description and pedestrian analysis of formal political structures and processes, based on the more readily accessible official sources and records."[1]

It will be seen from the succeeding pages of this book that Political Science is more preoccupied with the term 'State'. It is beneficial to analyse the reasons for it

Society is composed of a number of units. An individual may be a member of one or many of these units simultaneously. The family, tribe, caste, vocational group, cultural association, and the like may be cited as examples of the units of society. However numerous these units may be, in every society there will be an authority exercising great power. This authority may even have the power to put an individual to death. The powers possessed by this authority are called coercive. This means that the authority has unlimited force at its disposal. In a society the coercive power and force will be possessed by only one authority. This authority is the State. Where political life has been institutionalized, the State has emerged as the supreme form of political organization. The following are the reasons for this transformation in the stature of the State.

The State is the most powerful of the units in society. It can compel obedience. Disobedience to the State may result in punishment. Individuals cannot withdraw from the State. When one leaves the jurisdiction of one State, he has to come under another. The resources, money and armaments at the disposal of the State are unmatched by any other unit in society. Thus, the State has emerged as a powerful organization with all the means of force at its disposal to control those who live within its boundaries. This concept of State has been the subject of much controversy among political scientists.

1 Albert Somit and Joseph Tanenhaus, The Development of American Political Science—From Burgess to Behaviouralism, p. 70.

"The least government is the best government." This has been the contention of a group of people known as Anarchists who want the abolition of the State. The concentration of power in the State gave rise to the development of the concept known as 'monism.' Contrary to this was the view of the 'pluralists' that power should be shared by many groups and should not be monopolised by the State. The Communists, on the other hand, regard the State as an instrument of oppression. In most of the countries steps have been taken to offset the increase in the power of the State. A notable step in this direction is the development of the constitution which stipulates the power of the organism of government.

It will be evident from the foregoing analysis that the concept of State has undergone considerable change. Notwithstanding this the State still continues to be the centre of study for political scientists. It has been realised now that the Western type of State is no longer applicable to all parts of the world. The Western society finds adherence to the State because it has born out of that society's traditions and experience. But the State is alien to Asia and Africa. This brings to light the fact that there is widespread hostility to the State. The West is hostile to the State because its use is limited. The East identifies the State with colonial administration and hence views it with concern. There is also a third view which regards the State as a good institution. In the twentieth century the conventional arguments for and against the State have receded to the background. This was occasioned by the emergence of political forces like the political party.

Contemporary Study of Politics

A trend has set in to-day to make politics more a profession rather than an art for seeking wisdom. This trend was established by the 'behaviourists.' Behavioural study of political science is fast catching up to-day the world over. Behaviouralism is a product of the United States of America. It is said that society could be subjected to empirical or quantitative analysis. The behavioural approach aspires to be scientific and fact-conscious, and even hopes to be able to

attempt to predict behaviour in certain conditions. There is a growing belief that political science is a science in the true sense of the term It is felt that political study should be concerned with the politics of the common man and not with the ideas and ideals of great men. In tune with this outlook political science now places much reliance on methods of psychology and sociology. The behavioural approach is more scientific in outlook. "One characteristic by which behaviouralism has come to be identified in the eyes of many political scientists is its use of numbers and its emphasis on methodology."[1] The behaviouralist seeks to study the motivating factors of the behaviour of the individual in the society. Instead of studying the political institutions as they are, the behaviouralist concerns himself with the problem of why man and institutions behave in a particular manner. The behavioural approach to the study of politics has now become fully accepted.

The behavioural approach provides an appropriate method of study of the political systems of the third world. Analysis of the political systems of the developing countries on the basis of European political institutions and ideas do not provide correct results and hence the need for methods of the behavioural approach. The behavioural method also benefits the study of comparative government. The study of changes in the social order vis-a vis changes in the political order has been recognised to-day. This did not find place in the traditional approach. The traditional approach was static, whereas the contemporary approach is dynamic.

The student of political science should be conversant with all approaches to the study of politics. One approach or method cannot be sacrificed at the expense of another because none contains the whole truth.

"The proper study of political science is significant both to society and to the individual"[2] In this technological age

[1] S. L, Wasby : Political Science — The Discipline and Its Dimensions, p. 45

[2] Dillon, Leiden and Stewart: Introduction in Political Science, p 3.

it is imperative that man should learn to live in harmony with his neighbours. As and when problems crop up in society solutions should be found for them Solutions to political problems could be found only if there is proper understanding of the political institutions and the State. Insight into the origin and development of the State is provided by politics.

Proper understanding of politics and the political forces is essential for every individual. Only a knowledgeable citizen could be a better citizen. Actions of government affect every individual either directly or indirectly throughout his life. Under the circumstances political awareness becomes a must for each individual. Then only will he be able to comprehend fully the problems of politics and government.

What we simply term as political science covers a very vast area. Many areas covered by traditional political science have now become specialised disciplines. All facts of political life, local, national and international, are now covered by political science. Keeping in step with a number of other disciplines, especially those coming under the pure sciences, political science too has become more scientific. As an introductory book on the subject, this volume follows the oft-beaten path. In other words, it is the traditional approach that has been adopted here to introduce the students to the fascinating realm of political science.

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Questions

1. How does the study of politics to-day differ from the study of politics in the period of the ancient Greeks?
2. Outline the contemporary study of politics.

CHAPTER 2

DEFINITION, NATURE AND SCOPE OF POLITICAL SCIENCE

The term 'Politics' is derived from the Greek word 'Polis' meaning City. For the Greeks the city was the state. The subject which dealt with the city-state was named 'Politics'. In this modern period, eminent thinkers like Harold J Laski[1] and R.H. Soltau[2] preferred to use the term politics for the subject of our study. This subject deals with the state and government.

What should be the terminology for this science of State and Government, is a very interesting aspect and it has invited the attention of many in recent times. According to Jellinek, "There is no science which is so much in need of a good terminology as is Political Seience". Aristotle termed his treatise on state as 'Politics'. Writers of the modern period like Jellinek and Sidgwick prefer the term Politios to Political Science. Sir Frederick Pollock, using the term Politics in its broadest sense divides it into Theoretical Politics and Practical or Applied Politics. Theoretical Politics is concerned with questions like the nature origin, purpose and justification of the state and is known as the Theory of the State or Political Theory. Practical Politics is concerned with the actual working of the government besides the application of theories and doctrines of Politics. Sir Frederick Pollock made the following classification.[3]

1 Laski gave to his famous book the title "A Grammar of Politics". The title of his other book is "An Introduction to Politics".

2 R.H. Soltau's book's title is "An Introduction to Politics".

3 F. Pollock : An Introduction to the History of the Science of Politics.

	Theoretical Politics	Applied Politics
A.	Theory of the State (Origin, classification of forms of government, sovereignty)	The State (Existing forms of government)
B.	Theory of government (Forms of institutions)	Government (Constitutional law and usage, parliamentary systems, etc.)
C.	Theory of Legislation (Objects of legislation, philosophy of law, etc.)	Laws and Legislation (Legislative procedure, courts of justice, etc.)
D.	Theory of the State as an artifiicial person (Relation to other states, international law)	The State Personified (Diplomacy, peace and war, treaties, international agreements, etc.)

This classification covered the study of the State in all its aspects. The systematic study of the state was termed as Political Science and the term Politics was used for the day-to-day public affairs.

Political Science and Political Philosophy

Political Philosophy is prior to Political Science as it provides a basis for the latter But this does not mean that there is no distinction between the two. How the state originated, what was the condition of human society before the origin of the state, what should be the objectives of the state, citizenship, questions of duty and right, conception of sovereignty are problems related more to Political Philosophy. The scope of Political Science is broader than that of Political Philosophy. Political Science includes both the theory and practice of state and government, while Political Philosophy is limited to theory only. In the words of E. Asirvatham, "Nevertheless, if Political Philosophy is not to become vague, and imaginative, it must use the material supplied by political

science. Political Theory and objective political conditions act and react upon one another "[1]

From the above descriptions it is clear that the best terminology for this subject dealing with state and government is "Political Science," which covers both the theoretical and pratical aspects.

In the next place one has to define Political Science, understand its scope and subject matter. Regarding the definition of Political Science there is no general agreement among writers and political thinkers. The German philosopher Bluntschli defined Political Science as "the science of the state." According to him, it deals with the state — its nature, its various forms and its development. Professor Garner says that Political Science begins and ends with the state.[2] Professor Gettell also defines Political Science as the science which deals with the nature and organisation of the state, with the organisation of government, and with the activities of the government in making and adminstering law and in entering into inter-state relations [3] Stephen Leacock is of the opinion that, "Political Science deals with government only."[4] Political Science, according to Paul Janet, deals with, "the foundations of the state and the principles of government."[5]

From the above definitions it is quite clear that there is difference of opinion on the subject matter of Political Science. Some writers restrict the scope of Political Science to the study of the state alone. They exclude the study of government from the scope of Political Science, as the study of the state includes the study of government also. Some other writers like Stephen Leacock maintain that Political Science deals only with the study of government. The term 'state' nowhere occurs in their definition. But modern political scientists, however, subscribe to neither of these two extremes. Eminent writers like Laski, Gettell and Gilchrist take a more realistic view and in their

1 E. Asirvatham : Political Theory.

2 Garner : Political Science and Government.

3 Gettell : Political Science.

4 Stephen Leacock : Elements of Political Science.

opinion. Political Science is concerned with both the state and government. The state and government are inter-related. The state is an abstraction. It becomes comprehensible through the government. It is through and by the government that the purpose of the state is manifested and translated into reality. The will of the state is always operated by the Government. "Every state," as Laski says, "is a territorial society divided into government and subjects." the government being a body of persons who apply the laws upon which the state rests.

Broadly speaking the scope of Political Science can be divided into three groups, namely 1. scope of Political Science concerning the state, 2. scope of Political Science with reference to human rights, and 3. scope of Political Science in relation to government.

1. Scope of Political Science Concerning the State

Political Science studies the state in three different aspects:

a) The Present Form of the State

State is the highest association of human beings. In Political Science we study the present form of the state, its aims and objectives and the means adopted by the state for the fulfilment of its objects. We also study the different forms of state relations between them, relation between the individual and the state etc. This aspect of Political Science has been termed by Gettell as the "Analytical Study of the State."

b) Historical Form of the State

The present form of the state is the result of its historical development. One cannot know the present fully without knowing the past. Political Science makes a historical analysis of the origin of the state, the development of political institutions, ideas and theories of the past.

c) The Ideal Form of the State

The study of the State in its past and present forms does not, however, exhaust the scope of Political Science,

It also leads to the frame of the state in future, that is how it ought to be. State is not static but dynamic. It grows and grows every day. In the domain of Political Science we also notice the future development and its ideal form. For example, the present constitution of India has a chapter which is known as the Directive Principles of State Policy. The aim of these principles is to guide the state in its future actions which will ultimately lead to the growth of the state and consequently the further development of Political Science.

It is on account of these factors that Gettell says, "Political Science is a historical investigation of what the state has been, an analytical study of what the state is, and a politico—ethical discussion of what the state should be."[1]

2. Scope of Political Science Regarding Human Rights

A state is constituted of citizens. These citizens should have their rights and these rights have to be safeguarded by the state. What were the rights and duties of the citizens in the past, what they are now and in what way they should be improved are all included in the scope of Political Science. This particular aspect forms an important sphere of the study of Political Science.

3. Scope of Political Science Concerning Government

State can be visualised through its agent, the government. Government is an indispensable element of the state. A state cannot exist without a government. Hence, the study of government is also included in the scope of Political science. Forms of government, various organs of government, their organisation, powers and functions, systems of elections, rights of minorities, political parties, local government, public opinion, the value of independent judiciary, nationalism, interna-

[1] R. G. Gettell; Introduction to Political Science.

tionalism, to mention a few, are fields covered by Political Science.

The scope of Political Science is as wide as the world and mankind. It studies both the static as well as the dynamic form of the state, besides the political, economic and social behaviour of man.

Is Political Science a Science?

The question whether Political Science can rightly be described as a science or not is often debated. The answer which most Political scientists have given, is not convincing and therefore open to debate. Aristotle, the great political thinker of ancient Greece, regarded Political Science as the master or supreme Science. Lord Bryce considered it as a progressive science. Bodin, Hobbes, Bryce, Montesquieu and others assume that Political Science may be treated as a science. Burke, Comte, Maitland and some other thinkers have denied the claim of Politics to be ranked as a science in the sense physical and natural sciences are.

Generally, Science is divided into three main branches, namely, biological sciences, physical sciences and social sciences Social sciences deal with Man in society Political Science is a social science, because it studies Man as a member of political society. Some writers say that it is an art. Therefore, we should now know what is an art and what is a science.

Politics is not an exact science like the Biological or physical sciences The material with which politics deals is incapable of being treated in the same exact way as Physics and Chemistry treat their material. Science deals with matter whereas, Politics deals with man, society and institutions such as government created by man. It is difficult to consider problems of man in the aspects of institutions in the same exact way as we consider problems of matter. Social phenomena are perpetually undergoing change and are more difficult to control. The motives which lead men to act, no less than the consequences of their acts, are so complex, are variable that it is difficult

accurately to determine the one or confidently to predict the other.

The aim of modern science is the classification of facts and the formation upon that basis absolute judgements, which are consistent and universally valid. The example for this is that gravitation tends to make things fall to the ground. Similarly, we can also give another example that two parts of Hydrogen and one part of Oxygen constitute water. Likewise, in politics though one can gather facts and statistics, they cannot help one to arrive at absolute judgements which are consistent and universally valid. From this it may be generally stated that politics cannot be regarded as a science.

Whether or not we believe politics to be a science in the sense in which it is defined, we can agree on at least three ways in which the study of politics can help us to order our lives better. First, by drawing attention to the pattern of history, historians and political scientists can help man to learn from history and political developments. Secondly, the study of politics can add to our knowledge of the political forces which go to make up national and group attitude. Lastly, the study of politics even if it does not mark the average citizen feel less helpless in the face of national and international problems of his time, does at least help him to know more accurately what he himself feels about them. He can discover what he really means when he uses terms like 'fascist', 'red', 'democracy', 'tyranny', 'inequality', even if he is not always sure what his neighbour means by them. He can learn how much or how little political action can reasonably be expected to achieve, and how fast or how slow the advance is likely to be in given conditions. He can learn not to count on miracles or to base his hopes on wild miscalculation of the potentialities of human behaviour. In other words, he can learn to be an intelligent and balanced citizen.

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Questions

1. Justify the use of the term Political Science.
2 What is the scope of Political Science?
3. Summarise the contents of Political Science.
4. Is Political Science a Science or an art?— Explain.

CHAPTER 3

RELATION OF POLITICAL SCIENCE TO OTHER SOCIAL SCIENCES

Political Science is one of the branches of social science. It studies man's efforts to govern himself, to create governments and states, and to control his social destiny. It also studies the abstract nature of the state and other political institutions. The social sciences include economics, sociology, anthropology, history, political science and psychology. Sidgwick says that it is always useful for the proper understanding of any subject of inquiry to establish its relationship with other sciences and "to see clearly what elements of its reasonings it has to take from them and what in its turn it may claim to give them." All are inter-dependent and inter-related. Each contributes importantly to the achievement of the other. Let us now see the relationship between Political Science and other social sciences one by one.

Political Science and History

The relationship between Political Science and History is very close and intimate. This relationship has been clearly brought out by Sir John Seeley in a classic couplet : "History without political Science has no fruit, Political Science without History has no root."[1] History is a record of past events and movements. Some facts of history constitute a part of the groundwork of Political Science. The deep relation between the two subjects is due to the fact that the state and its institutions are the results of historical evolution. Political Science cannot be fully understood without gaining knowledge of its origin and evolution and such knowledge is supplied by History. Hence, the base of Political Science is History. The results

1 J. R Seeley : Introduction to Political Science.

drawn from historical facts are included in the domain of Political Science. Historical events have got little utility without an understanding of their political significance. Seeley has rightly said, "Politics are vulgar when not liberalised by History and History fades into mere literature when it loses sight of its relation with politics."[1] The true value of history lies in the fact that its data may help us in the evolution of the present political events and forming an ideal political society. To take familiar examples, the Tudor period in English history (1485 — 1603) is useful to the student of Political Science as providing data for the study of factors leading to the establishment of absolute monarchy on a popular basis. Similarly, the Moghul period of Indian History, (1526—1761) is of great value in Politics. This period has provided data for the study of factors leading to the establishment of a unified and stable state. However all history is not helpful in the study of Political Science. The long events of wars and battles, innumerable dates, rise and fall of dynasties, etc., have got little political significance. For example, we are not so much concerned with the history of art and architecture, of literature, of customs, etc.

Political Science and History are two distinct subjects, yet they are complementary and contributory. Political Science is the result of the evolution of History. History also remains incomplete without understanding its political significance. However, all historical facts are not helpful in understanding Political Science.

Political Science and Economics

Political Science is also closely related to Economics. The relation is so deep that Economics was regarded as a branch of political science and was called ' Political Economy''. Aristotle, in his treatise 'Politics', has given a detailed description of economic problems. Saligman in his book, 'Principles of Economics' writes, 'The forms as well as the practice of

[1] J. R. Seeley : Introduction to Political Science.

government are profoundly influenced by the conditions of production as well as those of distribution. Economic facts would then be the cause, political phenomena the result."[1]

In Economics we study production, consumption, distribution and exchange. Thus its subject-matter is distinct from that of Political Science. But all the modern states form laws only on these aspects. According to Marx, "The evolution of society depends upon the constant changing economic conditions of man." The whole Marxism is based on the theory of 'Surplus Value' which is an economic principle.

Several political theories such as Marxism, Syndicalism and Socialism are based on Economics. The State today is welfare in character which is largely concerned with economic development. Political liberty has got little value without economic liberty. These two subjects act and react mutually. Many of the economic problems must come through political agencies and the major problems of every State are economic in character.

It is apt to conclude with the speech of Mr. S. G. Barve: "A good government, in brief, judiciously plans for plenty and it is judged in terms of specific economic achievements, that is, by the harsh realities of administrative performance, by the production of food and arrangements for its distribution at a reasonable price, by the growing production and equitable distribution of essential commodities, by the growth of employment opportunities, by the timely and efficient completion of development projects, and the judgment of their priorities."

Political Science and Sociology

Sociology is the most fundamental of the Social Sciences. It is a general social science dealing with the facts of social life. Political Science is a Social Science too. Hence, it is closely related with Sociology. Political Science and Sociology are

1 Prof. Saligmam : Principles of Economics

2 Speech of S.G. Barve, Minister, Maharashtra Government at the Indian Institute of Public Administration, New Delhi, Sept. 25,1964. —The Sunday Standard, New Delhi, Sept. 27,1964

so intimately connected that the "Political is embedded in the social and if Political Science remains distinct from Sociology, it will be because the breadth of the field calls for the specialist, and not because there are any well-defined boundaries marking it off from Sociology."[1] Sociology and Political Science help each other in the study of man's activities in society. Sociology is indebted to Political Science for its knowledge of organisation and functions of the state. On the other hand, Political Science learns from Sociology the origin of sovereignty and means of social control. Prof. Giddings is of the opinion that, "to teach the theory of the State to men who have not learned the first principles of Sociology is like teaching astronomy or thermo-dynamics to men who have not learned the Newtonian law of motion."[2] A Political scientist must be a sociologist and vice versa. For example, the institution of marriage is the concern of sociology as it is an element in the social life of man. But if a code of marriage, like the Hindu Marriage Act, is enacted, it at once falls within the domain of Political Science.

Though the two sciences are closely related, yet there are certain distinctions between the two. Giddings has aptly said that the province of Political Science is not co-extensive with "the investigations of society but that the lines of demarcation can be drawn."[3] Sociology deals with all aspects of society whereas Political Science is concerned with the political society only. Political Science is more specialised than Sociology. Political Science aims at the past, present and future determination of the political organisation of mankind whereas Sociology is the study of various social institutions that exist or have hitherto existed.

Political Science and Geography

There is also close relationship between Political Science and Geography. Geography is the Science of the earth's surface which includes physical features, Climate, production,

1 J.W Garner, Introduction to Political Science.

2 Giddings, Principles of Sociology.

3 Ibid.

population, etc. Geographical features affect the agricultural and industrial conditions which in turn affect the political conditions. Aristotle was of the opinion that without Geography neither political nor strategical wisdom can go far. Rousseau worked out a correlation between climate and type of government. According to him, hot climate is conducive to despotism, cold climate to barbarism and moderate climate to good polity. Montesquieu also emphasised the influences of physical environments on the forms of government and liberty of the people. Thomas Buckle exaggerated this influence and went to the extent of suggesting that all political behaviour was governed by climatic factors. The name Geopolitics has been suggested for a separate branch of study whose scope would be the geographical interpretation of politics. The geographical position of England is responsible for its tremendous sea power. Germany's inner position was responsible for the two great wars. Lord Bryce has aptly said that, "in any country physical conditions and inherited institutions so affect the political institutions of a nation as to give its government distinctive character." But we must remember that geographical features alone are not important in determining political conditions. Nowadays, however, the influence of geography on politics is fast declining because of the scientific achievements that override geographical conditions.

Political Science and Psychology

Psychology is the science of human behaviour in relation to man's environment. There is close relation between Political Science and Psychology. Like Aristotle, modern thinkers are also of the opinion that the best key to gain the knowledge of the State and its institutions is through Psychology. The laws of the State, in order to be successful, must be based on the psychology of its people, otherwise there is a probability of revolution. Barker says, "The application of the psychological clue to the riddles of human activity has indeed become the fashion of the day. If our forefathers thought biologically, we think psychologically."[1] Garner expressed the relation between the two

[1] E. Barker: The Study of Political Science and Its Relation to Cognate Studies.

sciences in the following words: "Government to be stable and really popular must reflect and express the mental ideas and moral sentiments of those who are subject to its authority."[1]

It dose not mean that all political problems are based on psychology Psychology is concerned with mental acts which must be considered in relation to the observable individual mind. But Political Science is concerned with 'the impulsive relations' of men in society.

Political Science and Anthropology

Anthropology is the study of physical nature, racial features, social relations, customs and traditions of man. It deals with man's nature even before the formation of the state and society. It helps to a great extent to know the origin and development of man and his institutions. The subject Anthropology has to be used properly and too much importance should not be given to matters like race. Racial prejudice in politics will have only an adverse effect. For example, Africa.

Political Science and Ethics

Ethics is the Science of conduct, of right and wrong. It is also known as moral philosophy. "The origin of moral ideas is closely connected with the origin of the State,"[2] says Gettell. In the early human society moral ideas were not distinguished from political ideas and custom was the law. Later, custom was differentiated into individual morals and law. Moral ideas are transformed into laws when they gain wide currency and potency. Moral ideas greatly influence political action. "Each man must live in a State, therefore, both rightness and wrongness of conduct and the moral ideal must be concerned with the State. The Political ideal cannot be divorced from the ethical ideal."[3] From this we can understand the close relationship between Political Science and Ethics.

[1] J. W. Garner : Introduction to Political Science.

[2] R. G. Gettell : Political Science, p 14.

[3] R. N. Gilchrist : Principles of Political Science, p. 13.

Political Science and Law

Law is relevant to Political Science. Jurists and political scientists have shown mutual interest in their respective disciplines. The primary task of government is the making and implementing of law. Law is an output of government. The question of law has occupied a central position in the thought of many political philosophers from the classical period down to the present day. The making of law and the coercion used for its implementation have been examined by many scholars. Though much attention is not being paid to the study of the formal aspects of law today, its relevance to Political Science cannot be underestimated.

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Questions

1. Explain the relationship between Political Science and other Social Sciences.

2. Discuss the relation of Political Science with History and Economics.

3. Describe the relation of Political Science with Sociology and Geography.

CHAPTER 4

THEORY OF THE STATE

All social organizations have grown to fulfil the needs of mankind. For quite sometime these social organizations grew without conscious direction. This did not last long. When man began to plan deliberate changes and progress, his social institutions got shape and became established. Of all social institutions, the state is the most powerful and universal. As a consequence of the investigation of the State and its proper scope of its functions, political thought arose. Crude beliefs gave way to reasonable theories sometimes in advance, some times lagging behind. These theories kept pace with actual political methods "Increasing powers of observation and of logical analysis built up a constantly widening sphere of political speculation. and the development of the State in its objective phase of organization and activity was accompanied by its subjective phase, the theory of the State, in the minds of men and in the records of tradition and literature."[1]

There is relation between political thought of a given period and the actual political conditions which exist then. Most of the political theories have arisen either to justify and explain or to criticise the prevailing authority. Political Philosophers have also drawn imaginary pictures of an ideal State. Even this had been influenced by the political ideals of the time. 'Political theories are the result of objective political conditions.' They are reflections of the thoughts and interpretation of the motives which lie at the base of political development. Political development is also influenced by political theories. They also help men to modify their political institutions. 'Political theories are both cause and effect.'

[1] R. G. Gettell : Political Science, pp. 99—100

Political thought has connections not only with political Institutions but also with thought in other lines Intellectual development greatly influences the nature of political thought. In order to understand and appreciate the political principles of a given time it is necessary to analyse the actual development of political institutions and the progress made in other fields. There are two phases in the development of the State. "One is the objective, concrete development of states as manifested in their governments, their administration of law, and their international relations; the other is the subjective development of ideas concerning the state as an abstraction."[1] Continuous growth is discernible in political theory too. There is handing down of political principles from age to age. Each state, by its experience, modifies earlier concepts and the modified theories influence the States that follow.

Political thought, by its nature, is neither absolute nor can it lay claim to final solutions. There is no unanimous political thinking on problems. Political issues, political parties, and the motive forces of government are the results of differences of opinion.

Political thought either supports or attacks existing political institution and methods. On this basis we may classify political thought into conservative and radical. When men try to explain and justify the political system under which they live and when they try to maintain the status quo, political thought of the conservative type emerges. Usually, conservative theories are created or supported by the class in power and by those who are the beneficiaries of the existing régime. Conservative theory is also a reflection of the attitude towards law and order and dislike for confusion and disturbance. The doctrine of divine right is the best example of a conservative theory. The proponents and supporters of conservative theories look at changes either with alarm or regret. When conservative theories fail to correspond to actual conditions, they become reactionary.

[1] R.G. Gettel : Political Science

Radical theories, by contrast, emerge as opposition to the status quo. They favour changes in existing political institutions and methods. Radical theories may either be philosophical or concrete ideals. The former will be utopias. The latter will aim at constructive reconstruction. A radical theory may seek to change a single device of organization, or make minor adjustments in the activities of governments, or introduce sweeping changes in the political system or create a new political system. Some advocates of radical theories are for bringing about changes through legal channels while others subscribe to revolutionary methods. The proponents and supporters of radical theories will be those who are not satisfied with the existing scheme of things. For the rise and spread of radical theories a considerable degree of political intelligence and freedom of thought and discussion are necessary. Radical doctrines are viewed with concern by those in power. After acceptance and implementation, a radical theory tends to become a conservative theory.

Conservative theories have value because they help to maintain public peace and stability. Their weakness lies in the fact that they prevent or delay needed reform. Radical theories prevent stagnation and stimulate political progress. But they also lead to chaos and anarchy.

Sources of Political Theory

Information concerning the political thought of the past could be culled from a variety of sources. The writings of eminent political philosophers who put into systematic form the political thought of their times is a mine of information. We cannot fully rely on the validity of this source of information because political philosophers are often far removed from practical political life or they may be influenced by the doctrines of the past or have personal prejudices

Much political theory is found underlying the form of actual organization and of political practices. We may easily notice discrepancies between theory and practice. The writings and speeches of leaders in political life provide a wealth of material on the theory of the State. Official documents of

States may be deemed as a source of political thought. Written consititutions, statutes, ordinances, decisions of courts, charters, departmental reports, treaties, diplomatic correspondence, etc belong to this category. They are an important guide to political theory.

Political thinking in earlier times was limited to a small portion of the population. The masses were ignorant and indifferent or suppressed.[1] Today public opinion plays an important part in political thought. It exerts a powerful influence on government. There are methods to influence public opinion and to give expression to it. So the means of publicity and propaganda have become important sources of political theory. Even literature may provide the right picture of the political thought of a period.

Problems of Political Theory

Political theory, at various periods, has placed emphasis on widely different types of problems. The Greek thinkers showed interest in the ethical basis of Politics and they paid attention to justice and form of government. During the medieval period, political theory was closely associated with theology. Contest between monarchic and democratic theories of political organization was the question during the seventeenth and eighteenth centuries. To-day, the question is about the relationship between economic and political interests.

Attention has been given by political theorists to the question of the origin of State. When knowledge was limited the State was viewed as an establishment created by the authority of God. Some regarded the State as the outcome of the "political nature" of man while others viewed it as a deliberate creation by an agreement. There were also those who saw the emergence of the State as consequence of the forced subjection of the weak to the strong. But the modern evolutionary theory considers the State as the outcome of gradual growth and development to satisfy the need of men for order and protection.

1 H O. Taylor: Freedom of the Mind in History.

There has been changes in the ideas concerning the size of the State. The city was deemed as the ideal type by the Greeks. It was the Empire which was foremost in the minds of Romans. The national state came to be regarded as the ideal in modern times. Of late, the question of world federation has started influencing people.

The nature of the state and the source and rational justification of its authority has also received the attention of thinkers. The anarchist finds no justification for the existence of the state. Some justify the State as a necessary evil. Some view it as divinely ordained. Some find justification to the State because they regard it useful. They say that the State should be obeyed because it secures the greatest happiness of the greatest number. Some are of the opinion that the authority of the state rests on consent of the governed. Some personify the state as a legal person. Certain scholars regard the State essential for the highest development of human personality.

A concept which dominated political theory for quite some time, was 'sovereignty'. This concept came in the wake of the rise of constitutional monarchies. Theories were built around this concept. This concept has undergone many changes. The conception of law too has undergone various transformations. Law originated as custom and to-day it is regarded as the will of the state.

A source of endless controversy in political theory has been the question about the form of government. There has been much discussion about the location of governmental power. Should it be with one individual, or with a few, or widely distributed? The Greeks were for aristocracy. Monarchy found favour with the Romans after the establishment of the Roman Empire. To-day general support is accorded to democracy. There have also been attempts at finding the cycle according to which one form of government gave way to another, and so on. Attempts were also made to ascertain the causes of revolutions and to study their nature. The theory of representation also has undergone changes,

Class representation gave way to representation of territorial population groups.

There has also been much controversy about the scope of the activities of the State. The theory of individualism seeks to limit the power and authority of the State and provide the widest possible sphere of action to the individual. Opposite to the individualistic theory stands the theory of socialism. This theory wants the extension of State action to the widest limits and subject the individual to extensive governmental control and regulation. The relations between and among States also have occupied the attention of scholars from time to time.

Theories of the Nature of the State

Writers on political theory have paid much attention to the nature of the State. Different conceptions regarding the nature of State have given rise to divergent conclusions. The following are some of the theories which seek to explain what the State is.

1. The Juristic Theory

This theory has been advanced by Jurists. This theory views the State as an entity or concept of legal thought. The State is regarded as a legal person existing for the creation and enforcement of law and the protection of legal rights. This theory attributes the qualities of natural persons to the State. "While some jurists push this conception of the state to extreme of considering it a real person, the majority are agreed in viewing the State only as a judicial person."[1]

2. The Organic Theory

This theory views the State as a living organism similar to plants and animals. The State according to this theory, is subject to the laws of development and decay. Individuals are regarded as the cells of this organism. The value of this theory lies in the fact that it emphasizes the unity of the state. The analogy between State and living organisms cannot be accepted

[1] W.W. Willoughby : Fundamental Concepts of Public Law

in toto. This theory cannot be taken as a proper explanation of the nature of the State.

3. The Contract Theory

The Contract Theory has been used to explain not only the origin of the State but also the nature of the State. This theory originated from Greek philosophy. The Sophists were of the view that the State was the outcome of an agreement and that it was a barrier to self-realization. The idea that the State rested upon the deliberate agreement of men was foreshadowed by the Epicurean school of thought. The system of Roman Law too provided material to the Contract Theory.

A modification of the Contract Theory was concerned with the power of the ruler in the State. The Roman jurists held the view that the authority of the rulers rested upon an original contract with the subjects. In the Old Testament reference is made to a covenant made before the Lord by King David and the Elder of Israel.[1] The feudal system provided many examples of contract between rulers and the ruled. In the fifteenth century, the Conciliar movement aimed to revive the concepts of social contract and popular consent.[2] During the seventeenth and eighteenth centuries the social contract theory was used to support popular sovereignty, individual freedom, and the right of revolution. These ideas found expression in the writings of Thomas Hobbes,[3] John Locke,[4] and Jean Jacques Rousseau.[5]

4. The Idealistic Theory

This is a philosophical theory. It originated from the doctrines of the Greek masters, Plato and Aristotle. This theory states that the individual could live a good life and realize the highest ends of his existence only in the State.[6] It viewed the State as all powerful. The State was regarded as

1 V. Samuel 2, 3

2 In the writings of Aeneas Silvius, Nicholas of Cues and others

3 The Leviathan (1651)

4 Two Treatises of Government (1690)

5 The Social Contract (1762)

6 Hegel : Philosophy of the State and History (Translation by Morris)

an end in itself. This theory states that the State can do no wrong and that its commands must be obeyed implicitly. The needs and interests of the States are superior to those of the individuals. Revolt against the authority of the State cannot be justified. The idealistic theory gives to the State a mystic aura.

The idalistic theory will become a dangerous one if pushed to the extreme. The State cannot be regarded as omnipotent.

Value of Political Theory

Doctrines of able thinkers have been of great value and benefit to mankind. Political theory helps in interpreting history and explaining the motives underlying the important political movements. Political theory represents a high type of intellectual achievement.

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Questions

1. Outline the nature of Political Theory.
2. Distinguish between conservative and radical Political thought.
3. What are the sources of Political Theory?
4. Outline the theories of the nature of State.

CHAPTER 5

THE STATE

The State—Definition, Nature and Functions and Elements—State and Society, State and Government, State and Nation, Nationality, Nationalism, Internationalism — Functions — Police, Economic, Regular and Welfare.

Definition

Political Science is the systematic study of the State. The term State is difficult to define. What we mean at State in our conversation with others is not the meaning of this term in Political Science. The State may be defined as 'a Community or Society politically organised under one 'independent government within a definite territory.''[1] If we examine this definition, it is seen that the State has certain essential elements. They are as follows : 1. Population, 2. Territory, 3. Government, 4. Sovereignty or Supremacy.

(1) Population: The first essential element or requirement for a State is Population. No State can be formed without people. Only those people who are, more or less, permanently residing within the area of a State can be regarded as its population. The population of a State normally consists of two categories of people - Citizens and Aliens. The Citizens are the subjects of a State. They are entitled to a number of privileges. Aliens are the temporary residents of a State. They will be subjects of other States. An alien does not enjoy all the privileges of a subject or a Citizen.

It is not possible to fix the number of people resident in a State. Some Political philosophers had suggested an optimum number as ideal. For example, Plato, the ancient

[1] R.G. Gettell : Political Science, p 21.

Greek philosopher, suggested that the population of a State should not exceed 5040 free citizens. But this is not practicable. At present there are States with a few thousand people and there are also States with millions of people. It should be remembered that the population of a State should not be unduly large.

(2) Territory : The second element of a State is territory or area. "The State is associated with a fixed place."[1] Similar to population, with regard to territory also it is not possible to fix the extent of the territory of a State. Long back there was problem regarding administration of a vast area. This has been solved today by modern technology. At present there are very small States like the Vatican City (109 acres) and very large States like the Soviet Union (8,336,510 Sq. miles).

Self-Sufficiency cannot be taken as the necessary condition in fixing the area of a State. The modern State cannot be taken as self-sufficient. In the territory of a State are included land, water, and air. The State has jurisdiction over everything within its boundaries. If it has a coast line it can have control over the sea for a specified distance.

Territories of states may be compact or disconnected. The importance of natural boundaries as a means of protection is not relevant today.

(3) Government : The third element of a state is government. "Government is the organisation or a machinery of the State."[2] Without a government there will be anarchy within the State. Government is necessary to regulate the affairs of human beings. It also performs services to the people. Though all States have government, all governments are not alike. Within a government also there are a number of sub-divisions or groupings.

[1] Dillon, et. al : Introduction to Political Science, p. 8

[2] R. G. Gettell : Political Science, p. 24.

(4) Sovereignty : Sovereignty denotes supreme power or supremacy. It is "internal supremacy and external independence." Though the State is also a form of human association, it is sovereignty which makes it distinct from other associations. It is because of sovereignty that the State is expressed in terms of laws.

Sovereignty of a State is of two kinds : internal and external. By internal sovereignty we mean that the State is supreme within its boundaries. By external sovereignty the independence of the State is indicated.

State and Society

The words Society and State have been used to mean the same thing. But they are different from each other. State is a political organization but Society is not. Therefore, State is not identical with Society. Ernest Barker is of the opinion that the purpose of the society and state is similar.[1] The Greek thinkers could not distinguish State from Society. But it is not so today. Prof. Laski says, "By Society, I mean a group of human beings living together for the satisfaction of their mutual wants."[2] Society is concerned with the Social system whereas the State is concerned with the Political system. "To identify the social with the political is to be guilty of the grossest of all-confusions which completely bars any understanding of either Society or State," says MacIver.

G.D.H. Cole defines Society as 'The complex organised association and institution within the community." Society is the unity of the family, church, the corporation, and the Political party. It exists for a number of purposes. The State is not a Social organisation. The ends of State when compared to those of society are limited. Another distinguishing mark is that State possesses sovereignty but the society does not. Our external relations are controlled by the State. Society is concerned

[1] Political Thought from Spencer to the Present Day, p. 67.

[2] Prof. Laski : The State in Theory and Practice, p. 20.

with other motives also. It is also a fact that Society existed before the emergence of the State and that it is wider than the State. One of the essential elements of the State is territory. But Society does not have any territorial limitation. The State requires an organisation called government. This organisation is indispensable for the State. Finally, society includes everything including the State.

State and Government

The term State and Government have been incorrectly used for each other. This has been the case with certain political thinkers also. G.D.H. Cole says, The State "is nothing more or less than the political machinery of a government in a community."[1] But it is an accepted fact that State is different from government. "By the term government is designated the organisation of the State—the machinery through which its purposes are formulated and executed."[2] Government is only the agency of the State; it rests on the fundamental idea of control and obedience. It also implies authority and submission to that authority.

"Government is the agency or machinery through which the collective will of the people or State may be formulated, expressed and executed"[3], says Garner. Government is only one of the elements of State. A distinguishing mark between state and Goverment is that the former possesses Sovereignty while the latter does not. Governments may change, even frequently, but the State is permanent. All States are uniform as far as their essential characteristics are concerned but government is not. There is no territorial delimitation, so far as Government is concerned. But a particular state has particular territory. The State is an abstract concept but government is a concrete institution. All the people

1 G.D.H. Cole : Self-Government and Industry, p. 119

2 W.W. Willoughby : The Nature of the State, p. 8

3 Garner : Political Science and Government, p. 9[illegible]

living inside the State are members of it. But all of them are not members of government.

State and Nation

The term State and Nation are distinct from each other. The term State is derived from the word "Status". Nation is derived from the latin word "Natio" which means in English birth or race. The word nation has a wide significance. It includes State and Nationality. Prof. Green says, "The Nation underlies the State."

Nation : The term 'nation' is derived from the Latin word '*Natio*' which means birth or race. "A Nation is a people having a common ethnic origin," says Lord Bryce. According to Clareton, a nation "is any group of persons who speak a common language, who cherish common historical traditions."[1] Burgess defines a nation as a "population of an ethnic unity, inhabiting a territory of a geographical unity."[2] Ethnic unity means "a population having common language and literature, a common custom and common consciousness of right and wrong." Lord Bryce gives the following definition, "Nation is nationality which has organised itself into a political body independent or desiring to be independent."[3] According to R.N. Gilchrist, "Nation is very near in meaning to state plus nationality."[4]

The State is a concrete organisation, but Nation is abstract. There are four essential elements of the State as said above. In this respect Nation is broader than the State. Nation is related to the ethnic qualities of a people. But in a state we may find many or different ethnic groups. National feelings are essential formation. It is not necessary or essential for a State.

From the above given definitions we understand that a nation refers to the following : A group of people belonging to the same race residing in a particular territory, speaking a

[1] Lord Bryce : South America, p. 424

[2] Burgess : Political Science and Constitutional Law—Vol. I p. 1

[3] Bryce : Impressions of South Africa, p. 33

[4] R.N. Gilchrist : Principles of Political Science, p. 25-26

common language professing the same faith and having similar history and tradition.

Nationality

The term nationality also denotes common birth or race. But this meaning has undergone some changes to-day. Nationality is considered today as 'the status of a person who is attached to a state by ties of allegiance." J. S. Mill says, "a portion of man-kind may be said to constitute a nationality if they are united among themselves by common sympathies which do not exist between them and any others."[1]

Nationality may be considered as a spiritual sentiment. This sentiment provides unity to the people. Race, place of habitation, history, culture, language, religion, ideas and political institutions are the component parts of nationality. These factors promote the feeling of nationality.

Nationality and nationalism are generally confused. Often nationalism is used to describe the sentiment of nationality. Actually nationalism denotes the process by which nationalities are transformed into political units.

Internationalism

Internationalism is distinct from Nationalism. Nationalism when compared to Internationalism is narrow. Internationalism means a feeling of brotherhood. It is meant to promote peaceful co-operation and co-existence. In the Panchatantra it is said, "the conception of thine and mine prevails amongst the narrow-minded people, the broad-minded people consider the whole world as their family."

Today's world is characterised by mutual interdependence. No State can afford to be exclusive of others. Isolationism does not fit in today. Differences based on caste, creed, colour and place of habitation cannot be taken as obstacles for unity and understanding. Today's people are

[1] J. S. Mill : Representative Government.

more united by economic ties than by anything else. Professor Laski says, "The world is one and indivisible."

Functions of State

'The business of the State is not merely the business of a policeman, of arresting wrongdoers or of ruthlessly enforcing contracts, but of providing an equal chance as far as possible of realising what is best in their intellectual or moral natures," says T. H. Green. Laski says, "the State is the means to balance the human behaviour. The State makes such rules through which man balances and regulates his life."[1]

There are several views regarding the functions or ends of State. There are some like the Anarchists who consider the State as an unnecessary evil. Opposite to this view is that of Aristotle. He said that the State came into existence and continued for the sake of good life. Human welfare is regarded as the purpose of State by John Locke. Bluntschli and others regard welfare of the people as the purpose of the State.

There is a view that the State should perform only police functions. This is the view of the individualists. According to them, the State should perform only three functions. One, it should protect people from external aggression. Second, it should maintain law and order within its boundaries. Third, it should implement legal agreements. According to this, the functions of the State are clearly limited. The view of the individualists is that the State should not interfere in the affairs of the individuals.

But today, the concept of Welfare State has been gaining importance and significance. The concept of Welfare State includes in it, police, economic, regular and welfare functions. It is a combination of individualism and socialism. The modern State has responsibility for the maintenance of law and order, defence and justice. It also has taken up the responsibility of fighting social evils like illiteracy, poverty and illness. We

[1] Laski : An Introduction to Politics, p 15.

find the modern State in fields of trade and commerce. The taxes that are levied and the controls that are imposed are meant for the common good. Even family life comes under the purview of the State. From the above, it is clear that the functions of State have increased enormously.

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Questions

1. What are the Characteristics of the state?
2. Explain the relevents of Sovereignty to a State.
3. Explain the terms State, Society, Government and Nationality.
4. What is meant by internationalism?
5. What are the welfare functions of a state?

CHAPTER 6

ORIGIN OF STATE

Origin of State—Various theories—Divine Right Theory—Matriarchal and Patriarchal Theories—The Theory of Social Contract—Historical Theory or Evolutionary Theory.

Everything has a beginning. This applies to the State also. But the origin of State is shrouded in mystery. There is no factual evidence to prove as to when the State originated. There are a number of theories, each different from the other, which try to explain the origin of State. The theory of Divine Origin, Matriarchal and Patriarchal theories, the theory of Social Contract and the historical or evolutionary theory are some of the prominent theories which seek to explain the origin of State.

1. The Theory of Divine Origin

This theory states that the State is a divine institution created by God. God rules over the State either directly or through his representative, the King. It is the duty of the people to obey the king. Disobedience to the king is disobedience to God. None can question the actions of the king. There is no power, except God's, to restrain the king. Protest against the King and his authority is considered as sin. "Kings are breathing images of God upon earth," said James I. This theory is the oldest. It had supporters in India, in Greece and in Rome. The Jews and Christians in ancient times also had belief in this theory. The foremost among the exponents of this theory was James I of England.

This theory was used mainly to justify the absolute power of kings. It was also used to approve the supremacy of the church during the Medieval period. The value of this theory

as regards the origin of the state is very limited. There is no historical proof to support this theory.

2. Force Theory

According to this theory, the State originated due to force exerted by the strong over the weak. Jenks says, "Historically speaking, there is not the slightest difficulty in proving that all political communities of the modern time owe their existence to successful welfare."[1] The idea contained in this statement is that "War begets the king." The same view is expressed by Hume. Oppenheim, Jenks, Bernhardy and Treitschke are the exponents of Force Theory. A number of rulers also believed in this theory.

It is a fact that force could have been one of the factors responsible for the origin of State. To consider force as the sole creator of the State is unacceptable. The contention that force alone was responsible for the expansion of the state is also wrong. There were other factors besides force which helped the expansion of the State. Similarly, force alone is not the basis of the State. A State is maintained not by force. "Survival of the fittest" is not justifiable today.

3. Patriarchal and Matriarchal Theories

The patriarchal theory explains that the state originated from the patriarchal family or the family in which the pater or father was the head. The Patriarchal family expanded into the class. The class became the tribe and the tribe expanded into the State. It was kinship or blood relationship which linked the family to the clan, and the clan to the tribe. Leacock says, "first a household, then a patriarchal family, then a tribe or persons of kindred descent and finally nation so emerges the social series erected on this basis." Aristotle also believed in this. He said the State was an extension of the family.[2]

1 Jenks : History of Politics, p. 71

2 Aristotle : Politics, pp. 1-2

Sir Henry Maine was the best exponent of this theory. Maine says, "the elementary group is the family, connected by common subjection to highest male descendant. The aggregation of families form the gens or houses. The aggregation of houses makes the tribe. The aggregation of tribes constitutes the commonwealth." In support of this theory. Maine gave examples from the Jewish scriptures and also from Greece, Rome, and India.

The notable exponents of the matriarchal theory are Mclennan, Morgan and Jenks. They do not agree with the view that the patriarchal family was the earliest. They content that the early society did not contain a common male head. According to them, kinship could be traced only through the matriarch. The social unit was the horde or totem group. Neither monogamy nor polygamy was practised in the early society. What prevailed was polyandry Under such a system there was no family, but only a "horde" or "pack". In such a society kinship was traced through the female. Moreover, the class was "a naturally organised, hereditary and unilateral unit, unilateral because children under this system belonged to the class of their mother, without regard to the class of their father."[1] The matriarchal society had a few striking characteristics. Marriage relationships were transient. The females exercised authority and it was they who succeeded to property and power. J.J. Bachofen says that women "played a conspicuous, in fact, dominant role in body politic."[2] When the Matriarchal authority was found unendurable, men brought in the patriarchate. According to Sir Henry Maine, the matriarchal theory "derives the smaller from the larger group, not the larger from the smaller."[3] In other words, the tribe is the oldest and primary social group. It breaks into clans and they, in turn break into households dominated by the males. The expansion of these lead to the emergence of the State.

1 Dunning : Op.cit. Vol. IV, Recent Times, p. 435.

2 Ibid.

3 Maine : Early Law Custom, p. 220

Both these theories do not satisfactorily explain the origin of the State. Matriarchal and patriarchal systems could have been prevalent in certain early societies. But it is wrong to assume that the creation of the State was occasioned by these systems. There is no substantial proof to support the universal validity of these theories.

4. The Social Contract Theory

One of the important theories which seeks to explain the origin of State is the Social Contract theory. This theory developed as a reaction against the theory of Divine Origin and it became prominent during the eighteenth century.

The Social Contract theory picturised the original condition of man as the 'State of nature'. To escape from the condition of the state of nature, man made a social contract. To some writers the social contract was pre-social and to others it was pre-political. But all writers on this theory are agreed on the point that the state of nature preceded the establishment of government. There was no organized life in the state of nature. Each lived according to his own whims and fancies. No man-made laws were there to control men. The only law known to men living in the state of nature was the law of nature, or natural law. There was none to interpret this law or to adjudicate. Hence, men lived under uncertain conditions. When men felt the need to escape from this type of life he did so by common agreement or contract. As a result of this a civil society was created. The creation of the civil society preceded the emergence of the State.

Of the many writers, Richard Hooker was the first scientific writer to give a logical exposition to the theory of social contract.[1] The three outstanding theorists associated with this theory are Thomas Hobbes, John Locke, and Jean Jacques Rousseau.

Thomas Hobbes

Thomas Hobbes (1588-1679) gave an exposition of the social contract theory in his book 'Leviathan' published in 1651.

[1] Richard Hooker, Laws of Ecclesiastical Polity.

Hobbes lived during the troubled period of the Puritan Revolution and he was much distressed by the turbulent events. Hobbes was a strong supporter of monarchy and he gave expression to his views in his book. He used the social contract theory to support absolute monarchy.

According to Hobbes, the state of nature was the pre-Social phase in the life of men. Life in the state of nature was, "solitary, poor, nasty, brutish and short."[1] To escape from such a life, men entered into a covenant with each other. The covenant was in the following manner. Each man said to the other, "I will authorise and give up the right of governing myself to this man or to this assembly of men on this condition that thou give up thy right to him and authorise all his actions in like manner."[2] As a consequence of this contract, the people surrendered all their rights to their ruler. The ruler was not a party to the contract. He thus became a despot. The sovereign or ruler was created by the contract. Once this contract is made, there is no way of breaking it. Only the right of self preservation was retained by the people. This is the only limitation on the authority of the ruler.

The social contract theory expounded by Hobbes has been subjected to very severe criticism. There is no historical proof to support the views of Hobbes about the existence of a state of nature. Man is by nature, a social animal and not quarrelsome and selfish as depicted by Hobbes. Hobbes favours unlimited authority. He fails to note that despotic authority is harmful to the liberty of the subjects. Hobbes does not distinguish state from government. Prof. Willoughby says, 'the cardinal fault of Hobbes is the utter failure to distinguish between the two conceptions of the State and government.'[3] As a theory trying to explain the origin of the State, the social contract theory of Hobbes did not fulfil its objective.

John Locke (1632–1704)

John Locke was a supporter of limited monarchy or constitutional monarchy. His theory of social contract

[1] Hobbes : Leviathan, Part I, pp.64-65

[2] Ibid : p. 89

[3] Willoughby : Nature of the State, p. 73

was expounded to justify the Glorious Revolution of 1688 and it appeared in his book, "Two Treatises on Civil Government."

According to Locke, the state of nature was one of equality and freedom. Men were subject to the law of nature. People obeyed the laws of nature. But there was no government or similar institution to administer these laws. The peaceful conditions were often upset by the "corruption and viciousness of degenerate men." The reason for this was that there was no established law; absence of an impartial Judge; and an effective executive power. Life in the state on nature was "full of fears and continual dangers." To free themselves from such a life men entered into a contract and created the State.

John Locke says that there were two contracts. The first was a social Contract and the second was the governmental contract. As a result of the first contract, the civil society or state is created and by the second, a government comes into being. The governmental contract was subordinate to the social contract. While creating a government, the People did not surrender all their rights. It was on the basis of the consent of the people that the government was created. People reserved to themselves the right to replace the government if it failed to protect their life.

The state of nature created by Locke also has no historical proof to support it. To consider consent of the people as the sole originator of the State is wrong. "Locke failed to see that revolution, however desirable, is never Legal."[1] Locke says that sovereignty is divisible. In fact, it is not so.

Jean Jacques Rousseau (1712 – 1778)

Rousseau, the eminent French philosopher, expounded his social contract theory in his book, 'The Social Contract' published in 1762. Rousseau was deeply touched by the state of affairs in France. "Man is born free and everywhere he is in chains,"

[1] R.N. Gilchrist : Principles of Political Science, p 61

said Rousseau.[1] The established canons of society were not approved by Rousseau. His call was "back to nature".

The state of nature of Rousseau was one of idyllic joy. Man was then a "noble savage." "Original man had not the least motion of mine and thine, no true idea of justice...... no vices... no virtues..." (Rousseau). The introduction of agriculture saw the devise of idyllic happiness. Man began to think in terms of mine and thine. Rich and poor were created and other sources of inequality too appeared. According to Rousseau, the increase in population and the dawn of reason brought about misery. To escape from this men created a civil society by means of a contract.

The contract was civil as well as political. The individual put his person and all his Power in common under the supreme direction of the general will. Each became dependent on others. The general will is defined as the compound of the best wills of all citizens willing the best interests of the community. It is inalienable and indivisible. It is sovereign.

Rousseau's conception of the general will is vague. Moreover, there is no historical evidence to support either the general will or the state of nature. It is not practicable to ascertain general will. Though the theory of Rousseau has been subjected to very severe criticism, it has its advantages. What was actually propounded by Rousseau was popular sovereignty. He planted the seed of the idea of democracy.

Hobbes, Locke and Rousseau Compared

Hobbes and Locke had exerted some influence on Rousseau. Rousseau began the exposition of his theory by using the methods of Locke and ended by using those of Hobbes. Rousseau and Locke find agreement in the view that man in the state of nature was happy. The preservation of life, liberty and property is considered by Rousseau and Locke as the object of the social contract. We

[1] Rousseau: Social Contract, p. 100

also notice these two philosophers expressing similar views when they say that the individuals surrendered their rights to the Community.

We also notice that Hobbes and Rousseau expressing similar views. In the state of nature, according to Hobbes and Rousseau, man was an independant being. Both of them say that anarchy necessitated the creation of the state. There is also total surrender of the rights of the people. In the case of Hobbes, people surrender their rights to the king; in the case of Rousseau, the surrender is to the general will.

Evaluation of the Social Contract Theory

The Social contract theory, as expounded by Hobbes, Locke, and Rousseau does not explain the origin of the State. There is no evidence to support this theory. The contention of these three philosophers is not borne out by facts. What was contributed by Hobbes to political philosophy was absolutism. Locke gave recognition to the concept of limited government. Rousseau popularised the idea of popular sovereignty.

5. Historical or Evolutionary Theory

This theory is merely scientific. According to this theory, the state emerged as a result of historical development. It did not originate at any particular time. It gradually evolved. "The state is neither handywork of God, nor the result of superior physical force, nor the creation of revolution or convention, nor a mere expansion of the family. The state is not a mere artificial mechanical creation but an institution of natural growth or historical evolution," says Professor Garner.[1] There were a number of factors which helped the evolution of the State. They were kinship, religion, war, migration, economic activities and political consciousness.

[1] Prof. Garner: Political Science and Government.

Kinship means blood relationship. "Blood relationship is an inevitable bond in society" says R. N. Gilchrist.[1] Kinship originates in the family and this is extended to the clans and tribes which are extentions of the family. It is from the unification of tribes that the State is created.

Religion provided the bond of unity in the early society. It also affected all walks of life. There was fear in the hearts of men as far as religion was concerned. Moreover, there was unity among people worshipping similar Gods. Even today we see religious practices, affairs and faiths uniting men. In the early days a number of races were united by religion and unity was essential for the creation of State.

War has been another factor which helped the evolution of State. War had provided unity to people on many occasions. It had also helped the expansion of the area of the State.

Migration of people also had contributed to the creation of the state. For example, we can cite the United State and a number of European countries whose population belonged originally to certain other countries or regions.

Economic activities also have contributed to the growth and development of State. "Differences in occupation and wealth created social classes or castes and the domination of one class by another for the purpose of economic exploitation was an important factor in the rise of Government." This is the view of R. G. Gettell.[2]

Political consciousness has also been the basis for the organization of the state. Political consciousness denotes political awareness. The State become a necessity for purposes of regulation and protection. When this was felt by man he hastened its creation. "Underlying all other elements in state formation including kinship and religion, is political consciousness, the supreme," says Gilchrist.[3]

1 R. N. Gilchrist : Principles of Political Science, p. 80

2 R. G. Gettell : Political Science, p. 56

3 R. N. Gilchrist : Principles of Political Science. p. 88

From what has been stated above it must be clear that the emergence of state was not due to any one single factor. All the factors mentioned earlier worked at various times and helped the rise of the state.

Conclusion

Of all the theories which seek to explain the origin of the state, the evolutionary theory is the most satisfactory. It should be noted that no theory pin-points the time at which the state originated as a consequence of many factors working in unison at different times.

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Questions

1. Is community prior to the state ?
2. Explain the significance of the Divine Right Theory.
3. Explain matriarchal and patriarchal theories of state.
4. What is the use of the Social Contract Theory ?
5. The Evolutionary theory is regarded as a satisfactory theory. Why ?

CHAPTER 7

SOVEREIGNTY

The word sovereignty is derived from the latin word '*superanus*' which means supreme. Sovereignty denotes the supreme power or authority. It denotes the supremacy of the State both internally and externally. Sovereignty is the most essential element of the State. This element distinguishes the State from other associations. In fact, we cannot think of a State without sovereignty. The State has the final power to command and enforce obedience to its authority. There can be no legal limit to the power of the State. Sovereignty therefore is a legal concept and its possessor, the State, is legally supreme.

Two aspects of sovereignty

There are two aspects of sovereignty—external and internal. Internal sovereignty means that the State is absolute over all individuals and associations within the State. No individual is competent to issue an order to the State; on the contrary, he has to obey every order issued to him by the State.

External sovereignty means that the State is independent of any interference by other States. J.N. Garner says, "Some writers employ the term 'external' sovereignty to mean nothing more than the freedom of the State from subjection to or control by foreign States; that is, the supremacy of the State as against foreign wills, whether of persons or States."[1]

For instance, India as a State today possesses supreme power in all domestic affairs. It does not receive orders

1 J. N. Garner, Political Science and Government, p. 156

from anyone within the State or obey the orders of any foreign government. No government in the world can send any order to the Government of India regarding any internal or external matter. But they can give only friendly advice to the Government of India.

History of Sovereignty

We may briefly trace the growth of the idea of sovereignty in the ancient, medieval, and modern times.

(1) In Ancient times : The idea of sovereignty goes back to Aristotle, who in his 'Politics' gave expression to the need to have a supreme power in the State. This power, according to Aristotle, may be in the hands of one, a few, or many. The State was considered to be a sovereign entity in ancient Greece. The Greeks entered into a life partnership with the State and put themselves completely at the disposal of the State. We may see in Roman law a very dim beginning of sovereignty.

(2) In the Middle Ages : The middle ages did not present favourable conditions for the growth of a clear principle of sovereignty. The growth of the feudal state and the never ending struggle between Popes and Holy Roman Emperors were the main obstacles to the growth of the concept of sovereignty. In medieval Europe, it was difficult to say where sovereignty or supreme power was vested.

In feudal Europe, there was confusion about the location of the ultimate power, because the kings were sovereign in their own respective states. Therefore, one could talk of the king's dominion, but not of sovereignty.

During the twelfth century, Thomas Aquinas gave some idea of popular sovereignty. He was of the opinion that Papal power came directly from God, but the power of the Emperor was derived from the consent of the people and the co-operation of the Church. This idea was further amplified by writer like Marsiglio of Padua and William of Ockam. On the whole, the middle ages did not witness the rise of a clear-cut theory of sovereignty.

(3) Development of Sovereignty in Modern Times: In modern times, the national state rose and the theory of sovereignty also grew with it. In the 16th century, a precise idea of sovereignty was furnished for the first time by **Jean Bodin, a French thinker, Later, it was developed by Hobbes, Locke, Rousseau, Hegel, Bentham, and Austin.**

Jean Bodin (1530—1596) : Jean Bodin, in his work 'Dela Republique' published in 1576, defined the concept of sovereignty. He explained clearly the idea of sovereignty. To him, the principal function of sovereignty is the making of laws. But the sovereign is not free from all laws. He was supposed to be subject to moral principles, that is, 'the laws of God, of nature and of nations.' Bodin's ideas provided a theoretical basis for absolute monarchies in the 17th and 18th centuries.

Thomas Hobbes (1588 - 1679) : Hobbes was an English thinker. The sovereign of Hobbes is absolute and unlimited. Sovereignty is inalienable, indivisible and unpunishable. As J. S. Roucek and others point out in their book, "sovereignty, according to Hobbes, is the assertion by one means or another of the supremacy of a single unitary will subject to no restraint... Truly Hobbes created a Leviathan, a citadel uncontrollable and controllable power."[1] In short, Hobbes advocated the concept of absolute sovereignty.

John Locke (1632 — 1704) : Locke mentions the term 'supreme power' and avoids the use of sovereignty. Locke advocates limited sovereignty. He recognises the right of revolt. The central idea of Locke's theory is that the government may be dissolved but the society remains in tact. He makes a clear distinction between State and government. According to him, the supreme power rests with the government But at the back of the government, and superior to it, there is the power of the people as a whole.

[1] J. S. Roucek, et. al.: Introduction to Political Science, p. 51

Thus, there are two supreme powers, one in the government and the other in the people. This distinction between two 'supreme powers' led to the growth of the principles of political sovereignty and legal sovereignty in the 19th century.

Jean Jacques Rousseau (1712—1778): The modern theory of sovereignty owes its origin to Rousseau. He agrees with Bodin and Hobbes that sovereignty is absolute and unlimited. But he locates sovereignty in the 'General will' of all the people rather than in the monarch. In a way, he combines the absolute sovereignty of Hobbes with the political sovereignty of Locke. The sovereign of Rousseau is the 'General will' of the community. Thus he believes in popular sovereignty.

Hegel (1779—1831): Hegel, the German political philosopher, was in favour of State absolutism. According to him, the state is the creator of rights and there can be no rights against the State. The individual should obey the orders of the State implicitly, and make any sacrifice called for by the State. Thus, he sacrifices the individual at the altar of the State.

Jeremy Bentham (1748—1832): After Rousseau, legal sovereignty got systematic treatment at the hands of Bentham in England. According to him, sovereignty is unlimited by law, but it is subject to moral restrictions. Bentham expects his sovereign to pass necessary legislation to promote the greatest happiness of the greatest number.

John Austin (1790—1859): John Austin, an analytical jurist, approached the concept of sovereignty on legal basis. His theory of sovereignty is known as legal theory of sovereignty or monistic theory of sovereignty. The views of Hobbes and Bentham on sovereignty reached their climax in John Austin's theory of sovereignty. 'Law' is the pivotal concept of Austin's theory of sovereignty. According to him, in every State there must be a determinate body which possesses supreme power. Law, according to him,

is the aggregate of rules set by men as politically superior, or sovereign, to men as politically subjects."

Attributes of Sovereignty

One of the important aspects of sovereignty is its attributes or features. The following may be enumerated as the attributes of sovereignty;

(1) **Permanence :** Sovereignty exists as long as the State exists. The sovereignty of the State is permanent. Governments may change. The whole State may be reorganised. But the changes in the government do not affect sovereignty. Only with the destruction of the State itself sovereignty can be destroyed.

(2) **Exclusiveness :** Sovereign power is exclusive to the State. There is no other power to compete with the State. In a State, there can be only one sovereign power whose command all the inhabitants of the State should obey. If two or more powers within the State compete with the State, it would mean that there are States within a State, which is an absurdity and impossibility in terms of the meaning and implications of monistic theory of sovereignty.

(3) **All-comprehensiveness and universality :** The sovereignty of a State is all-comprehensive and universal. It extends to all inhabitants and groups within its geographical limits. No association, organization or company, however rich and powerful it may be, can resist or disobey the orders of the State. It makes no exception and grants no exemption to anyone.

(4) **Absoluteness :** It is one of the most important attributes of sovereignty. From the legal point of view, the sovereignty of the State is absolute and unlimited. It is subject to no internal or external legal binding.

(5) **Inalienability :** Sovereignty is the very essence of the State. Without sovereignty State cannot live. A State cannot give up its sovereignty without destroying itself. Therefore, to alienate sovereignty is to commit suicide. "Sovereignty",

says Leiber, "can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life and personality without self-destruction."[1]

(6) **Indivisibility**: Sovereignty is also indivisible. That is, it cannot be divided. To divide sovereignty is to destroy it. The exercise of sovereign power may be distributed among various governmental organs but not sovereignty itself. A divided sovereignty is a contradiction in terms.

Kinds of Sovereignty

Political scientists speak of different kinds of sovereignty. We consider below the most important types of sovereignty.

(a) **Legal Sovereignty**: This is the lawyer's concept of sovereignty. Sovereignty, which is valid strictly from the legal point of view, is called legal sovereignty. The power of the legal sovereign is not limited. The legal sovereign can make laws. The legal sovereign is recognised by law, and is competent to issue final commands in legal terms. The courts recognise and apply only such laws which emanate from the legal sovereign. As a supreme authority known to all, nobody can disobey his orders. Disobedience to such a law is accompanied by punishment. The legal Sovereign is definite and determinate. Its authority is absolute and it is indivisible and inalienable.

(b) **Popular Sovereignty**: The concept of popular sovereignty is the basis of modern democratic states. The idea of popular sovereignty originated in opposition to the Divine Right of Kings. The people did not like the despotic attitude of the monarch and they opposed it. Hence emerged the doctrine of popular sovereignty. John Locke was the first political philosopher to attract our attention to the doctrine of popular sovereignty. A definite shape to this doctrine was given by the French political philosopher Jean Jacques Rousseau. Ordinarily, by popular sovereignty we mean that the sovereign power of the state is finally vested in the hands of the people. Popular sovereignty remains the basis and watchword of democracy; it is difficult to say where supreme power is actually

[1] Leiber: Political Ethics, Vol. I, p. 219.

located. Is it in all the hundreds of thousands of unorganised people? The answer is that sovereignty is vested only in the electorate. But this view is subject to criticism. On analysis we find that the entire population is not given the right to vote. Only a section of the people is given the right. They elect their representatives who express the will of the state. Then, these representatives are also under the control of the party caucus Therefore, in the ultimate analysis, it is neither the electorate nor the representatives who exercise power, but the leaders of the majority party. Therefore, popular sovereignty cannot be equated with the sovereignty of the electorate. This doctrine is highly vague and indeterminate. However, in modern democracy, the power of the people to control the policy of the government is fairly strong. Means of popular control have been evolved in democratic states.

De facto and De jure Sovereignty

A distinction is made between de facto sovereign and de jure sovereign. De jure sovereign is the legal sovereign and it has its foundation in law. De facto sovereign is the actual sovereign who actually commands respect and obedience from the people. De jure sovereign is recognised by law and it legally possesses the right to govern. De facto sovereign is not a legal sovereign. But it is the actual sovereign wielding power and commanding obedience. De facto sovereign is in power by virtue of the fact that he is able to force the people to obey him and remain loyal to him. The basis of de facto sovereign is physical or spiritual force or any other factor except law. History provides several examples of the de facto exercise of sovereignty. Oliver Cromwell became a de facto sovereign after dissolving the Long Parliament. Napoleon was a de facto sovereign when he dissolved the Directory and assumed the powers of the State for himself. The communist regime immediately after the Bolshevik Revolution and till it was recognised by Britain in 1924 had de facto status only. Thus, the defacto sovereign is the strongest force in the state capable of making its will prevail. But there is always the danger of conflict between de facto and de jure sovereign. Garner observes. "The sovereign who succeeds in maintaining his power usually becomes, in the course of time, the legal sovereign

through the acquiescence of the people or the reorganisation of the state, somewhat as actual possession in private law ripens into legal ownership through prescription." The Communist government in the U.S.S.R., in course of time, by acquiring stability and by making the people get used to its power, became the de jure government also. It is all because authority, resting on a legal basis, is more willingly obeyed than the one resting mere force.

The analytical jurists like John Austin are against the distinction of de facto and de jure sovereignty. To Austin, sovereignty is only de jure. He holds the view that a government can be de facto or de jure but not sovereignty because political stability and expediency demands that sovereignty should be de jure and possess a legal status.

Austin's Theory of Sovereignty

John Austin, the famous English Jurist, was the most important representative of the Analytical School of Jurists. His important contribution to the Science of Politics is his concept of Sovereignty. His views are largely based on the teaching of Hobbes and Bentham. The theory of sovereignty received scientific exposition in the hands of John Austin. He adopts a thoroughly legal approach. He precisely defines the position of the sovereign and gives the meaning of law. He has given his theory of sovereignty in his book "Province of Jurisprudence Determined." (1832)

Austin has defined the term 'sovereignty' in the following words: 'If a determinate human superior not in the habit of obedience to a like superior receives habitual obedience from the bulk of a given society, that determinate superior is sovereign in that society and the society (including the superior) is a society; political and independent.'[1]

Implications of Austin's Theory

1. John Austin says that the sovereign should be a 'determinate human superior.'

[1] Jurisprudence Vol. I. p. 226

2. The sovereign must be clearly located.

3. Sovereign should not be in the habit of obedience from like superior. Every state has a sovereign. The sovereigns are not subservient to each other.

4. The sovereign must receive habitual obedience from the bulk of the community. By bulk he means the greater part of the society. A society whose bulk habitually obeys a determinate superior is deemed by Austin as political and independent.

5. Sovereignty is absolute, indivisible and without any limitations.

Criticism of Austin's Theory

The implications of Austin's theory have been subjected to severe criticism. Sir Henry Maine, Clark, and Sidgwick are the foremost critics of Austin's theory. They say that his theory is not corroborated by historical or actual facts.

(1) Sovereignty not in determinate human superior

Sir Heny Maine in his "Early History of Institutions"[1] says that in history sovereignty has never been determinate. He gives the example of the autocratic Ranjit Singh (1801-39). Ranjit Singh was the ruler of the Sikhs in the Punjab. He was a despot in the true sense of the term. But he never went against the customs, conventions and faith of the Sikh society.

(2) Too legal and abstract

Austin's theory of sovereignty is abstract and legal and it does not take into consideration the philosophical aspect of sovereignty.

(3) Sovereignty is never absolute

It is popular sovereignty which is the basis of modern democracies. Austin's sovereign is suitable only for absolute monarchies. The modern state is the product of men's desire

1 Sir Henry Maine : Early History of Institutions, p. 352

to live an orderly life conducive to progress and prosperity. The sovereign may be legally unlimited; but there are always political and historical limits. Even the British Parliament is limited both from within and without. Garner considers Austin's theory a complete antithesis to Rousseau's doctrine of sovereignty. Rousseau equates sovereignty with the 'General will.'

(4) All Laws not sovereign's command

To Austin, law is nothing but the command of the sovereign. Customery law has no place in Austin's theory. The question of conventions, customs and usages creates a difficulty in Austin's theory. Austin says that all laws originate from the sovereign. It is not possible to agree with Austin that all laws are sovereign's commands. Austin's sovereign is supreme only as regards positive law. His sovereignty does not cover the moral sphere.

(5) Location of sovereignty

In modern times, since the emergence of federal states the one question which is repeatedly asked is where does sovereignty lie. This refers to the location of sovereignty in federal systems. It is indeed difficult to give a precise and satisfactory answer to this question. It has been argued that sovereignty is incapable of division and it is monistic. From this point of view, it should rest in the sovereign of the State. For example, in a monarchy it is with the monarch. In an aristocracy or an oligarchy it should be with the few individuals who wield power. But in the case of a democratic state, it is the general belief and the considered view of scholars that the sovereign power rests with the people. It is known in Political Science as popular sovereignty or what may be called sovereignty of the people.

Most of the modern states are democratic. They are parliamentary or presidential or unitary or federal. But each State, irrespective of the constitutional or political pattern, has a written constitution. This constitution may have been drafted and approved by a constituent assembly

or, it may have been given by some other body or agency to certain other states. Examples for this category are Canada, and Australia which obtained independence from the United Kingdom. Whatever it is, it is said that the constitutions in these states are supreme and sovereign. Therefore, the question arises as to which, the constitution or the people, could be considered as possessing sovereign power. However, it may be contended that the sovereign power rests with the people. These people delegate the sovereign authority to the state and through it to the constitution.

Another important question connected with it is the location of sovereignty in a federal democratic state. It is rather difficult to state categorically whether the federal government or the government of the units possess the sovereign power. The position is that the federal government is the creation of the units. As such, the units originally possessed the sovereign power. But they gave a certain portion of their sovereignty to the federation. From this point of view it appears that both the federation and the units are sovereign in their respective spheres of activity. Here one cannot find the division or the splitting up of sovereignty. The truth of all statements about sovereignty is that the people only possess the sovereign power, whatever may be the nature and form of the government.

(6) Legal and political sovereign

Austin ignores the distinction between legal and political sovereignty. He speaks of only one sovereign. But in actual practice there are two sovereigns—legal and political. The people or the electorate are the political sovereign. The will of the political sovereign is transformed into laws by the legal sovereign. Austin makes a distinction between the ruler and the ruled.

With all these short-comings, it may be admitted that Austin's theory is on the whole a clear and logical exposition of the legal nature of sovereignty.

Pluralistic Theory of Sovereignty

Pluralism is a relatively modern term in Political Science. The Pluralistic theory of sovereignty is a reaction against the absolute theory of sovereignty. Pluralists are opposed to the monistic theory of State propounded by Austin. The Pluralistic theory of the State places the State and the other associations on par with each other. The germ of the Pluralistic theory is to be found in the work of the German jurist, Von Gierke (1844-1921), Three factors have been chiefly responsible for the attack on the traditional theory. Firstly. tremendous change has taken place in the functions of the state. Secondly, international co-operation has become a necessity and it is being emphasised everywhere. Thirdly, there are groups or associations to satisfy numerous needs of individuals.

For them sovereignty is neither absolute nor indivisible. The state should be the servant and not the master of society.

Von Gierke holds the view that the State has only an important and not exclusive part in the making of laws. He considers the State necessary for bringing about co-ordination and adjustment among various associations. G. D. H. Cole argues for a division of the legislative power of the State between several parliaments. Cole denies the existence of sovereignty. Ernest Barker regards the state as a group of groups. Krabbe holds that owing to the rise of important economic associations like the labour unions, the state can no longer pretend to be the one all powerful agency of social life. Pluralism is approached from the angle of law by Krabbe. His endeavour is to separate law from political sovereignty. For him law is independent of, and superior to, the State. He recognizes only the sovereignty of law. Harold J. Laski has pleaded for a system which would recognise the complete autonomy of groups and deny to the State any claim to be the absolute sovereign. He assails the attribute of absoluteness to sovereignty. Gokhale summarises Laski's views on sovereignty as follows :

(a) Sovereignty is not monistic, but pluralistic.

(b) Sovereignty is not absolute, but constitutional and responsible.

(c) The State cannot claim a supreme position.

(d) The State is one of the many associations; the state can only be first among equals.

(e) Associations must be completely autonomous.

(f) Authority cannot be unitary; it has to be federal, as society itself is federal.

(g) The State can act only as a co-ordinating authority among associations.

Criticism

Pluralism has been subjected to criticism. Firstly, the pluralistic theory suffers from an inner contradiction. In theory, the pluralists reduce the powers of the State, but in actual practice they are willing to concede much more powers to the State. Barker and Laski admit that the state will have to carry on the function of co-ordinating and regulating the activities of associations. Coker is right when he says that the non-political social groups cannot thrive and attain their ends without the distinctive service of the state.

Secondly, the logical consequence of pluralism is anarchism or the withering away of the state. Without the State, there can be no order and without sovereignty there can be no state.

Thirdly, the pluralists do not give us any clue as to the way in which they will reconcile the conflicting interests of various associations. As Gilchrist remarks, "Pluralism, driven to its logical end, would disintegrate society, replacing order and conditions of progress by chaotic mass of bodies or groups, all contending for supremacy."[1]

Fourthly, the pluralists, while claiming so much for associations, do not clearly explain how their ideas are to be fully realised. For instance, Miss. Follet, a pluralist, says "The state is a unifying agency." ' My citizenship is something bigger than my membership in the vocational group ....

1 Miss. Follet, quoted in E. Asirvatham, Political Theory, p. 288

The true State must gather up every interest within itself."[1] It is surprising that pluralists do not want the associations to be quite independent of the State, but at the same time refuse to give the State Sovereign status.

Pluralism can hardly be accepted as a valid doctrine of sovereignty. Pluralism to-day has lost the force that it possessed two or three decades ago. Many pluralists support the supremacy of the state in one form or other. Even Laski declares as follows : "Legally no one can deny that there exists in every state some organ whose authority is unlimited." In this connection it is apt to refer to the view of Ernest Barker who maintains that, whatever rights the groups may claim or gain, "the state will still remain a necessary adjusting, force." And if the groups are destined to gain new ground it is possible that the "state will also gain, perhaps even more than it loses, because it will be forced to deal with ever graver and ever weightier problems of adjustment."[2]

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Questions

1. What are the two aspects of Sovereignty?
2. Trace briefly the history of Sovereignty.
3. Outline the attributes of Sovereignty.
4. Distinguish between de facto and de jure Sovereignty.
5. What is Austenian view of Sovereignty?
6. Outline the pluralists' attack on the theory of Sovereignty.

[1] Miss Follet, quoted in E. Asirvatham, Political Theory, p.283
[2] Ernest Barker : Political Thought in England, p.183

CHAPTER 8

LIBERTY AND EQUALITY

LIBERTY

Meaning and Definition

The term liberty comes from the Latin word liber which means free. But in Political Science, it has not meant the same thing to various thinkers. As R. N. Gilchrist points out, "Everyone has a vague notion of liberty or some kind and a desire for it, but among ten people using the word, perhaps no two will be able to say exactly what they mean, or, if they do say it, will agree with each other in their definitions."[1] According to Hobbes, liberty implies the absence of restraints and opposition. To Spinoza, liberty consists in following the dictates of reason. According to Montesquieu, it consists in the power of doing what we ought to will. For the Idealists it consists in following the moral law, to which Kant gives the name of categorical imperative. To Rousseau and Green it is the same as the General Will. Harold J. Laski means, by liberty, "the eager maintenance of that atmosphere in which men have the opportunity to be their best serves."[2] And to be at their best men must enjoy rights in society. Without rights there cannot be liberty, because without rights men are the subjects of law unrelated to the needs of personality.[3]

Two Aspects

From the various definitions of liberty considered above we are able to note different aspects of liberty - one a negative aspect and another a positive aspect.

[1] R.N. Gilchrist : Principles of Political Science, p. 119

[2] J. Laski : A Grammar of Politics, p. 142

[3] J. Harold Laski : A Grammar of Politics, p. 142

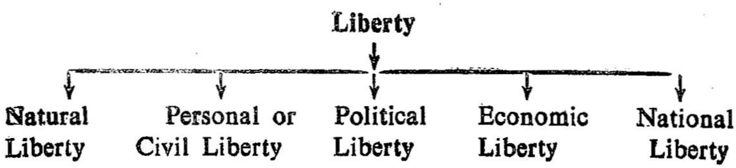
Viewed in the negative way, liberty is defined as the absences of restraint upon the freedom of action of individuals. This is too narrow a view. In the sense of unrestrained freedom liberty is not possible in society. If one is left free to do as one likes, there will be no order but anarchy.

As Laski says, "Historic experience has evolved for us rules of convenience which promote right living and to compel obedience to them is a justifiable limitaion of freedom."[1] The liberty of each is relative to that of others and it must always be regulative. Thus, liberty is "not the indefinite liberty of an undefined individual but is the definite liberty of a defined personality, seeking to realise specific capacities."[2] Liberty and restraints are not contradictory but complementary.

Liberty is positive in content. Laws are rules of convenience, evolved by historic experience to promote right living. Obedience to such rules does not deprive one of his freedom. It is in this sense that liberty is positive in content.

Kinds of Liberty

Political thinkers have noted different kinds of liberty. Mac Iver's classification is given below:[3]



(1) Natural Liberty

Natural liberty means an unlimited right to fulfil one's desires. Natural liberty must have existed at a time, when there was no society or State. In modern times through the writings of Locke, Rousseau and others natural law exerted its

1 Harold J. Laski : A Grammar of Politics, p. 142

2 E. Barker : Principles of Political Science and Political Theory, p. 145

3 R M. MacIver : The Modern State

influence. With the emergence of society and state, and with the imposition of several restrictions natural liberty had to end.

(2) Civil Liberty

Civil liberty means absence of restraints which are unreasonable and illegitimate. It is both positive and negative in character and includes not only the absence of restraint but also opportunities for the development of man. Civil liberty includes physical freedom, intellectual freedom and practical freedom. Civil liberty is rightly regarded as basic to any other kind of liberty. According to Barker, "Civil liberty consists in three differently expressed articles: physical freedom from injury or threat to the life, health and movement of the body; intellectual freedom for the expression of thought and belief, and practical freedom for the play of will and the exercise of choice in the general field of contractuaction and relations with other persons." Civil liberty is of immense value to the individual and associations in a State. In States like the U. S. A. and the U. K., people attach great importance to civil liberty and personal freedom. J. S. Mill was a staunch advocate of freedom and a great champion of individual Liberty. His essay 'On Liberty' has been regarded as a masterpiece Mill is of the opinion that every individual, whether he belongs to the majority group or to the minority group should be given complete personal liberty and tolerance. Civil or personal liberty signifies the following: (a) Right to speech, (b) Right to movement, (c) Right to have property, (d) Right to live freely and (e) Right to have one's own culture.

(3) Political Liberty

To Gilchrist, Political liberty is synonymous with democracy. Leacock calls political liberty as constitutional liberty. Laski defines political liberty as the power to be active in the affairs of the state. Political liberty is positive in its nature and consists of the political rights that the state confers on its citizens. Political rights consists of the right to vote, right to contest for election, right to hold public office,

right to petition, etc. In States like the U.S.A., the U.K. and India, the individual enjoys full political liberty. Political liberty should be constitutionally and legally recognised. The spread of education, the formation of political parties and the freedom of the press tend to increase the scope of political liberty. Political liberty implies the following: (a) Right to vote, (b) Right to be elected, (c) Right to hold public office and (d) Right to criticise government.

4. Economic Liberty

In modern times, it is being increasingly felt that any type of liberty is barren, unless there is economic liberty. Civil liberty and political liberty will mean little to hungry stomachs. Without adequate economic security, the individual can neither take part in the affairs of the State nor can he assert his civil liberty against others. In the absence of economic liberty, political liberty is meaningless and ineffective. If democracy is to be real meaningful, economic liberty should be given to the subjects. It has been rightly said that democracy should enter the economic field and guarantee employment and minimum wages to workers. Economic liberty encompasses the following: (a) Right to work, (b) Right to an adequate wage, (c) Right to leisure, (d) Right to benefits against sickness and unemployment and (e) Right against Exploitation.

5. National Liberty

National liberty is of great importance, as it provides a basis for civil, political and economic liberty. When all people have liberty as individuals belonging to a nation, liberty becomes national. Thus, national liberty means national independence. The term signifies a free country with sovereignty of the people established therein.

Safeguards of Liberty

People all over the world are conscious of their rights. Both rights and liberty aim at providing opportunities for the development of individual personality. It is only through liberty that one can realise his personality best and hence,

can contribute to the welfare of the State. So, people want to safeguard liberty from all kinds of dangers. Liberty can be safeguarded only when the following conditions are fulfilled:

(a) Absence of privilege

Privilege is the anti-thesis of right. People, deprived of privileges, cannot develop the capacity to express their personality.

(b) Rule of law

It provides equality before law. It is supposed to be a sure guarantee of liberty. To the extent that the rule of law prevails, liberty can be safeguarded.

(c) List of fundamental rights

A list of fundamental rights guaranteed by the constitution is an excellent shield to the individual. It checks the government from invasion of individual liberties.

(d) Separation of powers

Montesquieu, the architect of the principle of separation of powers agrees that, if the powers of the three organs of government, namely executive, legislature and judiciary are concentrated in one person, there could be no liberty of the subject. Therefore, he advocated separation of them.

(e) Democracy

Of all the forms of government, democracy alone is conducive to liberty. Freedom is the essence of democracy, liberty and Equality are its watchwords.

(f) Eternal vigilance

People should always remain vigilant. The people must feel in their heart that nothing is so precious to them as liberty. If the individual is not vigilant, he will forfeit his liberty. As Byron has aptly put it: "Eternal vigilance is the price of liberty". The individual must be prepared to fight to defend his rights. In the great funeral speech, Pericles said

to a body of Athenian citizens, "the secret of liberty is courage". If people are indifferent, and go to slumber, liberty will be lost.

(g) **Public opinion and free press**

Healthy public opinion and free press can do much to protect liberty. The press and other agencies mould public opinion. Political parties are indispensable in modern times. A strong political party with the backing of large sections of the people can overthrow a government which destroys the liberty of the individual.

EQUALITY

Meaning of Equality

Like liberty, equality is also a great democratic ideal. In the whole realm of Political Science, no idea is more difficult to define than the concept of equality. As G. Sartori correctly points out, equality "has so many facets and so many implications, that after we have examined it from all angles we are left with a feeling of not having really mastered it."[1]

In general, the term equality is used to mean identity of treatment and identity of rewards. But it does not mean identity of treatment because men are different in want, capacity and need. It also does not mean identity of rewards. However, differences in reward should not be so conspicuous as to enable one to invade the rights of others.

Secondly, equality means absence of special privileges. Everyone should get his due and be in a position to realise his best self. Rights must be enjoyed in common by all. Barker writes, "The principle of equality accordingly means that whatever conditions are guaranteed to me, in the form of rights, shall also, and the same measure, be guaranteed to others, and that whatever rights are given to others shall also be given to me"[2]. The exclusion of any man, or body of men from, access to the avenues of authority is a denial of their liberty.

1 G. Sartori : Democratic Theory, p. 326

2 E. Barker : Principles of Political Science and Political Theory

Thirdly, in its positive aspect, equality means the provision of adequate opportunities for all. Provision of adequate opportunities is not the same as provisions of equal opportunities. The State should provide equal opportunities to all to develop their faculties to the full measure without discrimination of birth, status, caste, etc. As Laski points out, "The urgent claims of all must be met before we can meet the particular claims of some".

Thus, like liberty, equality has got both negative and positive aspects. In its negative aspect, equality means the absence of any kind of discrimination on grounds of caste, colour, religion, etc. In its positive sense, it means the provision of adequate opportunities to all for the development of their faculties.

Kinds of Equality

There are different kinds of equality as noted below:

1. Civil equality

Civil equality means equality before the law. There should be no distinction between man and man in the matter of their civil rights. The richest and the poorest should be tried in the same court for similar offence.

2. Political equality

It is the basis of democracy. It means access of everyone to the avenues of authority. It implies the equality of political rights exist only in a democratic State.

3. Social equality

It means that no one is entitled to special privilege. Equal status is the basis of social equality. In the absence of social equality, the idea of equality cannot be sustained from any other angle. According to the constitution of India, all citizens in India enjoy social equality and there shall be no discrimination against any one on grounds of religion, caste, sex, etc.

4. Economic equality

Economic equality means equality in economic power. Political equality is never real unless it is accompanied by virtual economic equality. Economic equality has to be given an important place in any state. H. J. Laski underlines the tremendous significance of economic equality in the following words: "Political equality, is never real unless it is accompained by virtual economic equality, political power otherwise, is bound to be the handmaid of economic power[1]." However, economic equality does not mean the equal distribution of wealth; it stands for equality to the margin of sufficiency.

5. Natural equality

Natural equality does not mean absolute equality. It means the absence of man-made inequalities. Law should not create inequalities on the basis of natural inequalities.

Various kinds of equalities are mutually dependent and the absence of one jeopardises the other making liberty an illusion. However, in practice, not all of them are present at one time anywhere.

Liberty and Equality

Liberty and Equality are the two essential qualities of human personality. There are two views among political thinkers on the relation between liberty and equality, one that they are antagonistic, and the other, they are complementary.

1. Liberty and equality are antagonistic to each other

This view is shared by De. Tocqueville and Lord Acton. "The passion for equality" says Lord Acton. "made vain the hope for freedom." This may be true if we understand liberty and equality in their literal sense. Identical equality is possible only when liberty is abolished. But such equality is the equality of slaves where everyone is equal in their bondage. If liberty means unrestricted freedom, then equality cannot survive as might becomes right. Thus, if equality and liberty are misconstrued, they appear antagonistic to each other.

[1] H.J. Laski : A Grammar of Politics

2. Equality and liberty are complementary

This view is shared by Rousseau, MacIver and Tawny. Tawny observes, "A large measure of equality, so far from being inimical to liberty is essential." If the concepts of liberty and equality are understood in their true meaning, it will be seen that they are complementary to each other. In fact, they are inseparable. Without equality, liberty will be a mere mockery.

In several cases, equality is essential for liberty. For instance, Equality before law, Economic equality and Social equality are quite essential for the enjoyment of civil liberty Likewise, economic equality and social equality are essential for the enjoyment of political liberty. Thus equality and liberty are complementary and compatible. The two are interdependent. Liberty promotes equality and equality fosters liberty. They are like rights and duties, the obverse and the reverse of the same coin.

Debate on whether liberty should precede equality and vice versa

"The passion for equality made vain the hope for freedom" said Lord Acton. De Tocqueville and Lord Acton are of the opinion that liberty and equality are antagonistic to each other. Unrestricted freedom cannot be equated with liberty. Such a situation would only heap disadvantages on the many while a few become wealthy and powerful. Great inequalities of wealth would only hamper the freedom of the many unfortunates. The wealthy would control the government and perpetuate inequality. Inequality will affect liberty. When liberty is inadequate self-expression and self-development will be considerably affected. Hence, equality may be taken as the basis of liberty.

If liberty should be meaningful there should be equality. If only all are equal in the eye of law can there be civil liberty. Political liberty too stresses the question of equality. If in a society there is disproportionate distribution of wealth there can neither be civil nor political liberty. "If liberty means the power of expansion in human spirit, it is rarely presented save

in a society of equals. Where there are rich and poor, educated and uneducated, we find always masters and servants." From what has been observed above it may be concluded that equality should precede liberty.

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Questions

1. What are the different kinds of Liberty?
2. List the measures used to safeguard Liberty.
3. Examine the relation between Liberty and Equality.
4. Write an essay on Equality.

CHAPTER 9

RIGHTS AND DUTIES

Rights and duties are correlative. Every right has a corresponding obligation. "It is only in a world of duties that rights have significance."[1] Every right should be recognised by society. Social recognition of a right should have moral basis. Each right should have a common interest. A right is not a selfish claim. All modern democratic societies give an important place to rights. Rights are actually liberties which are enjoyed by individuals. "The greatest liberty possible for all results when each person has the right to do as he pleases while encroaching least upon the equal rights of others to do the same".[2] Liberty has two sides positive and negative. Right to free action and freedom from interference are necessary for the enjoyment of rights. To maintain the conditions required for the enjoyment and preservations of rights a superior authority is required. That is the State. The State, by virtue of its sovereign power, creates and maintains the conditions that are needed for the enforcement of rights and obligations. Hence, the State may be regarded the sole source of rights to-day. The State could, as it considers fit, abridge or totally remove the rights of the individual. For instance, the life of an individual could be taken away by the State for violation of its law or in the service of the State, say war. Similarly, full enjoyment of the right to property is subjected to numerous restrictions. Moreover, many restrictions are imposed by the state in the enjoyment of rights. "As population grows and society becomes more complex, the relations of man to man need more constant safeguarding, and the liberty of each is more restricted for the best interests of all."[3]

[1] N. Wilde : Ethical Basis of the State, p. 119
[2] R. G. Gettell, Political Science, p.150
[3] Ibid, pp. 150—151

The State is the only source of legal rights. Rights exist because of the sovereignty of the State. The laws of the State act both as guarantors and defenders of individual rights. Some amount of restriction is an absolute necessity for the maintenance of rights. Otherwise, the result would be anarchy.

Before starting an analysis of the content of the different rights it is proper to analyse breifly the nature of the term 'liberty'. This term is used in different senses. The following are the four categories of liberty.

1. Natural liberty

This is vague. It may be taken to mean the freedom to act as one pleases. "Every one has a vague notion of liberty and a desire for it." But it is rather difficult to define it.

2. National liberty

This term is often taken to mean independence. It may be said that liberty in this sense means the principle of self-determination. A State which enjoys external sovereignty may be regarded as one possessing national liberty.

3. Political liberty

Liberty is also regarded as synonymous with democracy. Political liberty may be regarded as the political rights of the people. If people's participation in their government is widespread, then we may say that more individuals possess political liberty. "Political liberty depends upon the location of sovereignty and the organization of govenment in each State"[1].

4. Civil liberty

Rights and privileges, created and protected by the State for its subjects are called civil liberty. Where there is Civil liberty, the individual is permitted a certain latitude of freedom of action within the bounds of law. Civil liberty may experience interference by individuals as well as government. In the application of Civil liberty there is no impartiality.

[1] R. G. Gettell : Political Science, p. 152

Of the four rights discussed, natural and national are moral rights while political and civil are legal rights. If rights are not guaranteed and protected, the consequence could be revolution. Political and Civil rights are legal rights because they are created and guaranteed by State.

Political Rights

Those individuals who partake of the sovereign power of the State possess political rights. Exercise of franchise and holding of public offices may be regarded as enjoyment of political rights. Provision for these rights is made by the State in its basic law the constitution. In most of the states the use of these rights is left to the discretion of the subjects. In certain states voting has been made compulsory.

In a democratic state political rights will be widely diffused. In other words. political rights would be shared by as many people as possible. If a people possessing political rights take part directly in the affairs of their government, such a government may be termed as a direct democracy. This type is possible only in small states. In certain states of to-day some devices of direct democracy, initiative and referendum, are put to use.

In a State, all individuals are not given political rights indiscriminately. The extent of political rights also varies from State to State. To facilitate the organization and effective functioning of government, certain individuals are not permitted to enjoy political rights. The State should also take into account the problem of the minority. Possibility should not be there for the majority to tyrannize the minority. Political rights should be made available only to those who make use of them wisely.

Civil Rights

Civil rights are actually legal immunities. The extent of civil rights and the methods of their protection varies. The following are the most important or generally accepted civil rights:

1. Right to life

This right is basic to all others. A lifeless corpse does not require any rights or liberties. Provisions of personal safety of the individuals are provided by all states. In the earlier societies murder was avenged by the kith and kin of the murdered individual. To-day a murderer receives the heaviest of penalties from the State. Since the State attaches significance to human life, even attempts at suicide are punished. The right to life involves the right of self-defence and the use of force for protecting one's life. The State may be the cause of death of an individual in times of war. If one loses one's life during active combat, that cannot be taken to mean intentional deprivation of the right to life.

2. Right of personal freedom

This means the right to exercise one's faculties and to determine the general conditions of life. Condemnation of slavery is due to the fact that it denies this right to the slaves. Unjust restraint, either by individuals or by government is not conducive to the full enjoyment of the benefits of life. Hence, the modern State has made provisions for the protection of this right. The writs that are issuable by the higher judiciary are meant to protect the right of personal freedom.

3. Right of property

Property is essential for the existence of man in society. Desire for ownership is deeply imbedded in the hearts of all human beings. Right of property has varied in content. This has been due to the change in the ideas related to property. Problem of property is a live one to-day. The controversy to-day is about public and private ownership of property. There is also the question of regulation of property. Though the States employ protective measures in safeguarding theft and encroachment of private property, the right of property is not absolute in all States.

4. Right of contract

In implementing legal agreements or contracts, good faith and honesty should prevail. These are essential bases of a

good society. It is the duty of the State to protect the rights and obligations which result from agreements or contracts. But the State takes care to permit only those contracts which are conducive to general welfare.

5. Right of free opinion and expression

Freedom of opinion and its expression are permitted within certain limits. Attempts should not be made to stir-up violence or revolution and the reputation of individuals should not be tarnished. The freedom of expression will be greatly restricted during times of war. This is done for maintaining the unity and solidarity of the nation.

6. Right of freedom of conscience

All secular States grant religious freedom to their subjects and residents within their boundaries. But this freedom should be used so as not to affect public morality and decency. It should also be not used to wound the feelings of different faiths.

7. Right of association

In the modern State there are numerous kinds of associations or groups of individuals. Some are transitory while others are permanent. Some national and some are international. Some are formed for specific purpose and some have general aims. The modern State permits the formation of associations so long as they do not affect the peace and order and the morality and decency of the society. State could both forbid and regulate associations.

8. Right of family life

Family is the basic unit of society. The State takes steps to regulate marriage and divorce and the relationships between the different members of the family. At the same time it permits a good deal of freedom to the family in the regulations of its own relationships.

9. Right of equality before the law

For awarding justice the modern State does not recognise any special privileges or classes in society. Law to-day is appli-

cable to all equally. All persons are given equal legal rights and privileges for protecting their civil liberties.

Mere provision of civil rights will not fully serve the purpose. There should also be adequate safeguards for their protection and implementation. Rights should be protected against encroachment by indiv iduals, associations and even by government. Laws of the State, pol ice and courts provide adequate protection and guarantee to the civil rights. Protection of civil rights against governmental interference is provided by the constitution or the basic law of the State.

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Questions

1. What are the Political Rights? Are they provided to all residents in a State?
2. Enumerate the Civil Rights.

CHAPTER 10

LAW : NATURE, SOURCES AND KINDS

Law is the Essence of the State

The State is at present viewed as an agency for bringing about desired changes. Law is one of the instruments through which the state seeks to realise its purposes. Law is also the principal instrument to ensure peaceful change. It is also the means to realise justice in society. Hence law is considered to be the essence of the State. According to MacIver, "The State is both the child and the parent of the law.[1]" There is the law which governs the state and the law by means of which the State governs.[2] As MacIver observes, "without law, there is no order, and without order men are lost, not knowing where they go, not knowing what they do."

Meaning and Definition

The word law is derived from its Teutonic root 'lag' which means something fixed. The term law has got several meanings as noted below :

1. It may denote a rule of procedure as the law of the foot-ball.

2. It may mean a statement of causal relationship between two groups of phenomena, e.g., the law of Gravitation.

3. It may mean an act passed by the legislature, e.g., law of prohibition.

Here we are concerned with its meaning in Political Science. In Political Science we use the term law in the third

[1] Modern State, p. 272
[2] Ibid, p. 250

sense. That is, law is considered to be a command issued by the State. This command has got sanction behind it. It is a command which directs human beings as to what to do and what not to do. Disobedience to law results in punishment by the political authority.

It is to be noted that laws existed in the form of customs prior to the State and this shows that all laws are not necessarily State-made. What distniguishes a custom from law is that the latter is enforceable by the State whereas the former is not. Custom becomes a part of the law as soon as it is recognised by the State.

Political scientists and jurists nave defined the word law in different ways. For example, T. E. Holland defines law as, "a general rule of external human action enforced by a sovereign political authority."[1] According to Woodrow Wilson, "law is that portion of the established thought and habit which has gained distinct and formal recognition in the shape of uniform rules backed by the authority and power of government." John Austin defines law as, "the command of the Sovereign." In the words of Plato, "Law is a civilization, it is the slow-bought gain of the ages during which men have striven themselves above savage-beasts; it is the differentia of humanity."

An analysis of the definitions given by different writers on law, enables us to note the following features of law :

1. Laws relate to external human actions only.

2. Laws imply the presence of a civic community.

3. Laws are recognised, enacted and applied by the State.

4. Laws have got a sanction behind them— the political authority. Anyone who disobeys a law may be punished by the State.

5. Laws are a set of rules.

[1] J. Elements of jurisprudence, 1906. p. 40

Different Schools of law

Law is viewed from different angles, and hence we have different schools of jurisprudence. The most important schools of law are Analytical, Historical, Philosophical, Sociological and Comparative.

1. The Analytical School

Among the prominent writers of this school are Bodin, Hobbes, Bentham, and Austin. This school of thought classifies laws according to their sources and their method of enforcement. According to this school, there are two essential features of law: (a) Law is a command of the sovereign. The sovereign may be a person or a body of persons, and (b) Behind law there is force. In other words, force is the essence of law. Disobedience of law will result in punishment by the State.

This view has been subjected to severe criticism. Firstly, this view is held to be too formal and rigid. According to MacIver and Laski, law cannot be viewed simply as a command. To quote Laski, to think, "of law simply a command is to strain definition to the verge of decency."[1] Secondly, this view is very inadequate, since it ignores the great body of laws based on customs, conventions and usages. Thirdly, there is an element of conservatism in this view. As Gettell oberves, "Analytical jurists tend to regard the law as static rather than progressive and they are not interested in historical evolution. As a result, they have sometimes reached absolute conclusions without examining an adequate amount of material."[2]

2. The Historical School

The chief exponents of this school are Frederick Von Savigny, Sir Henry Maine, Sir Frederick Pollock, and F.W. Maitland. According to this school, law is the product of historical forces and influences, and it can be studied in relation to its environment and past history. Law is not the deliberate creation of the State. In fact, the function of the State is not

[1] *A Grammar of Politics*, pp. 51-52

[2] *Political Science*, p. 179

to create law but merely to recognise and enforce it. Enacted law is only a formal embodiment of historical law.

The view of the historical school, has also certain defects. Firstly, it ignores factors other than customs. Secondly, it is also conservative in its approach for it looks suspiciously at all human efforts directed towards enacting laws in modern times.

3. The Philosophical School

Professor Joseph Kohler of Germany is an outstanding modern exponent of the philosophical school. The jurists of this school regard law in terms of ethical value based on the sense of social justice and reason. Their concern is to create an ideal system of law. The object of law is to protect rights and secure a fair distribution of the advantages of social life. As such, all the activities of the state have the ultimate sanction of law.

The approach of the philosophical school is too idealistic to be real or practicable. It deals with abstractions which are far away from the real state of affairs.

4. The Sociological School

This is a recent school of legal study. Gumplowiz of Austria, Duguit of France, Krabbe of Holland, Roscoe Pound and Justice Holmes of the U.S.A. are the chief exponents of this school. They believe that law is the product of social forces and should serve social needs. This school attacks the idea of a sovereign State as the creator of law. Law exists outside, and is of superior validity to, the authority of the State. According to Duguit, human beings as members of society observe certain rules and regulations, which take the shape of laws. It is the duty of all to honour and obey them. According to Krabbe, law is superior to the State, and is also independent of it. It is concerned with man's inner nature and is obeyed, because people feel, according to their standard of judgement, that it is just and good for them. The view of the sociological school has certain defects. In the first place, it is incorrect to say that law is not the command of the

sovereign, as law has coercive power behind it. Secondly, law cannot be independent of State. Thirdly, all laws may not serve a good purpose and meet the needs of society. Finally, usages may be pre-political, but law is not. A state is organised for law.

The Comparative School

This school seeks help from other social sciences for its material. The scholars of this school make use of the materials in biology, comparative philology and anthropology and other subjects for comparing various legal systems of the past and present and drawing inferences. It is of great practical value.

The view-point of any one of these schools of thought cannot be considered to be adequate. At the same time it cannot be denied that there is a grain of truth in what each school seeks to explain. Hence, an adequate explanation of law can be had by collecting the truths contained in the contributions of these schools of thought. That is, these schools of thought supplement and complement each other.

Sources of Law

In the legal sense, the State is the source of all law. But historical studies of the manner in which the legal principles have developed reveal several other factors which have helped the making of laws. These elements or factors are called the "sources of law." According to Prof. Holland, there are six sources of law. They are: 1. Religion, 2. Custom, 3. Adjudication, 4. Scientific commentaries, 5. Equity and 6. Legislation.

1. Religion

Religion has played a vital role in the evolution of the State and law. Primitive men believed that law had a divine origin. In ancient times the Kings made laws. They had religious sanction behind them. The authority and support of religion accorded to the laws enacted by states like Egypt, Mesopotamia, India, Greece, and Rome are well-known. The codes of Manu, Gautama and Apastamba are religious in character. Even in modern times, the influence of religion on law is great. For instance, it may be said that the Hindu

Law is based on the code of Manu, Mohammadan law on the Koran and Christian laws on the Bible.

2. Custom

Custom is another source of law. The different schools of jurists directly or indirectly admit the importance of customs. But it is very difficult to say how and when exactly customs arose. A custom, as Prof. Holland points out, is formed in much the same way as a path formed across a field. What is done repeatedly by generation after generation for the sake of convenience, becomes a custom. Customs are evolved because they serve certain purposes. While enacting a law the age-old customs and usages are generally considered. It is significant to observe that the common Law of England is based on customs and usages that exist among the people. In England, customs which are reasonable and not against law and morality, and those which refer to legal relation are given importance and recognition by law.

3. Adjudication

Judicial decisions form another source of law. In every ancient society quarrels or disputes took place among different groups. In settling disputes, the adjudicator gave oral decisions which were referred to in later cases. Even in modern times the judgements of judicial officers provide the basis for courts for certain decisions in similar cases. Thus judicial precedents were made. This is generally known as adjudication or judge-made law.

4. Scientific commentaries

This is one of the most important sources of law. The views of eminent jurists like Yajnavalkya, the author of Niti-sastra, Hale, Coke, Blackstone in England and Kent in America greatly influence the interpretation and application of law in these countries. Gettell remarks, "By collecting, comparing and arranging in logical form past customs, decisions and laws, writers on law are able to arrive at general principles which may serve as the basis for further enactment, to indicate the gaps that need filling, to point out discrepancies

and, in so far as their ideas are enforced by the courts, to create laws."[1]

5. Equity

In simple words, equity means the principles of fairness and justice. It had its beginnings in the United Kingdom. When the judges or courts failed, in the opinion of parties, to render justice they directly petitioned to the Crown. The king or the queen, as the case may be, personally looked into them and passed orders which satisfied the aggrieved individuals. But as time passsd on and the work of the monarch increased, these petitions were gone through and disposed of by the 'keepers of the conscience' of the monarch. This, in course of time, came to be known as the law of equity and formed part of the laws in England. It arises from the judge's sense of equity or justice when the existing law is rigid. Equity rectifies the inadequacies or deficiencies of the law. Gilchrist has aptly remarked, "Equity, as a source of law, arises from the fact that the positive law, as the world advances, tends to become unsuitable for new conditions. Equity is an informal method of making new laws or altering old laws, depending on intrinsic fairness or equality of treatment."

6. Legislation

In modern times, legislation has been an important source of law. Today legislature is the only authoritative source of law. Everyone is bound to follow the laws made by legislature. Legislature has superseded all other sources of law in the present democratic and modern society.

Woodrow Wilson has beautifully summed up the entire process of the development of law in the following words: "Custom is the earliest fountain of laws, but RELIGION is a contemporary and equally prolific, and in the same stages of national development an almost identical source. ADJUDICATION comes almost as authority itself and forms a very antique as time goes hand in hand with EQUITY. Only LEGISLATION and SCIENTIFIC DISCUSSIONS ..

[1] Political Science, p. 179.

await an advanced stage of its growth in the body politic to assert their influence in law-making."

Kinds of Law

Laws have been classified into several kinds. The table given below explains the various kinds of law with their authors:

(a) MacIver has classified political law as follows

- Political Law
  - National Law
    - Constitutional Law
    - Ordinary Law
      - Public Law
        - Administrative Law
        - General Law
      - Private Law
  - International Law

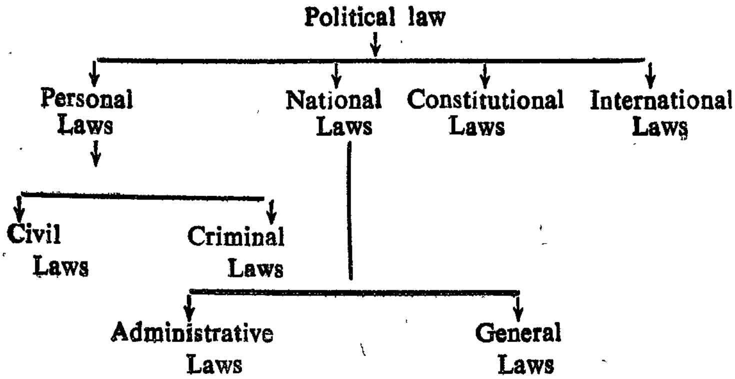
(b) Prof. Holland's classification of law is as follows

- Political Law
  - Private Law
  - Public Law
    - Constitutional Law
    - Administrative Law

(c) Prof. Gilchrist has given the following classification:

- Political Law
  - Constitutional Law
  - Statute Law
  - Ordinances
  - Common Law
  - International Law

(d) **Modern classification of law is as follows**



Laws which are considered important in modern times are briefly explained below:

1. Constitutional law

It is the fundamental law of a country. It may be written as is the case with India or the U. S. A. or partly unwritten as is the case with England. It defines the organization of the State and outlines the scope and manner of exercise of governmental powers. Constitutional law may be defined as the body of principles, which regulates the powers of the government, the rights of the governed and the relations between the two. In short, constitutional law locates sovereignty within the state and therefore is the source of all law—public and private, within the State.

2. Ordinary law

It is also known as statute law. It is the law made by the legislature. It is the most important type of law regulating our everyday life. It includes civil and criminal law. This ordinary law is divided into Private law and Public law. Private law applies to the personal rights or obligations of citizens. In private law, both parties concerned are private persons, while the state occupies the position of arbiter. In public law, the State is one of the parties to the dispute and at the same time the arbiter.

3. Common law

It is also known as 'case-law' or 'judge-made law'. Great importance is attached to common law in England. The common law is unwritten law derived from customs, precedents and traditions.

4. Administrative law

It is a part of Public law which regulates the conduct of Public officials in the discharge of their duties. Two features distinguish Administrative law from other kinds of laws. They are as follows: (a) Administrative law regulates the relations among public officials, and sometimes the individuals and the public officials, and (b) It also regulates the relations between governmental agencies and private individuals, in connection with matters relating to public administration. Administrative law as distinct from other laws emerged in France and had grown steadily side by side with ordinary laws. The French name of it is 'Droit Administratif.'

5. International law

Unlike National law (Municipal law) which regulates public and private relations of man to man and of man to state, characterised by the presence of an enforcing authority namely, the state, International law regulates the relations of state to state. International law is the body of rules which determines the conduct of the general body of civilised states in their dealings with one another. They are concerned with external sovereignty of State. It is not created by any sovereign law making authority nor is there any sovereign power to enforce it.

Law and Morality

Law and morality are closely related; yet they must be clearly distinguished. The appeal of moral law is to the individual conscience, helping him to determine what is right and what is wrong. It is personal and private. As a principle of conduct it is the 'self legislating' of a responsible

person in the interest of his liberty and welfare. This is individual morality. On the other hand, positive morality is "the body of rules supported by the prevalent opinion of the community at any given time." We are concerned with the distinction between law and positive morality.

In their origin, law and morality are identical as both arise from the habit and experience in the primitive social life. Law is studied in Political Science while morality is studied in Ethics. In ancient India, the word 'Dharma' was used to denote both, law and morality. Both the sciences deal with man as a moral agent in society. Both aim at regulating the conduct of man. Nevertheless, law and morality differ in respect of content, sanction and definiteness.

Moral rules are enforced by individual conscience or by the pressure of public opinion whereas law is enforced by the power of the State. Morals deal with whole life of man, his thoughts, actions and motives, but law is concerned with outward acts, though in applying the law to individual cases some attention is given to motives. Therefore, law attempts to control only such actions as affect the welfare of men in society and regulate only those actions which can be brought under uniform and practicable regulation.

Importance of law

Law is of great importance to man. Without it, human beings would have no rules of behaviour. Law controls the unruly elements of society. It regulates the conduct of human beings and makes orderly life possible. MacIver has beautifully summed up the importance of law in the following words: "Without law there is no order, and without order men are lost not knowing where they go, not knowing what they do. A system of ordered relationship is a primary condition of human life at every level. More than anything else it is what society means. Even an outlaw group, a pirate ship, a robber gang, a band of brigands had its own code of law, without which it could not exist."[1]

[1] R. M. MacIver, The Web of Government, p. 61.

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Questions

1. Define law.
2. What are the different schools of law?
3. Examine the sources of law.
4. Enumerate the kinds of law.
5. Bring out the relationship between law and morality.

CHAPTER 11

DEMOCRACY AND DICTATORSHIP

Forms of government — Kinds of democracy — Requirements — Criticism — Dictatorship — Its history — Features of modern dictatorship — Merits and demerits.

FORMS OF GOVERNMENT

The teachers of Political Science often emphasise that the State is not synonymous with its government and that the State is greater and more enduring than the government. But it must be admitted that States are commonly distinguished according to their forms of government. For example, often we say this State is a democracy! that State is a dictatorship; this State is governed by the people; that State is governed by a narrow and self-interested elite. Political reality, however, is usually more complex than the simple pictures of the world around us that we have in our mind. In this chapter an attempt is made to classify the governments according to the number and objectives of them.

A State may be classified according to the distribution or location of political power within it; power is exercised by one person, a few people, or many people (meaning most or all citizens). Governments by one, a few or the many may in turn be distinguished as 'good or bad' forms of government. Each good form has to it a bad counterpart. The result is a six-fold classification of the types of government. They are monarchy, aristocracy, and democracy. The opposite of these are tyranny, oligarchy and mobocracy.

In both monarchy and tyranny there is the rule of one person. It may be either good or bad. Similarly, in aristocracy and oligarchy there is the rule of a few. Likewise, in demo-

cracy and mobocracy, there is the rule of the many. These, again, may be good or bad.

The rule of one person may be monarch, or a tyranny. The difference between these two is that in a monarchy the ruler is called a king who comes to power through the hereditary right. But in a tyranny the ruler is called a tyrant and his right to power rests on the military might. In the case of the second category of government, namely aristocracy and oligarchy, power is exercised by a few individuals. If the few individuals belong to the nobility, it is known as aristocracy. On the other hand, if the individuals possessing power do not belong to nobility, the government by these people is called oligarchy. Similarly, a government by many may be a democracy or mobocracy. Democracy is supposed to be a good government whereas mobocracy is regarded as a bad government. It is not possible here to go into many of the details of all these forms of government except that of the government by the many namely democracy.

DEMOCRACY

The Problem of Definition

"It has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."[1] "......democracy is more complex and more intricate than any other political form."[2] The simple meaning of the word 'democracy' is government by the people. This meaning is misleading. There has been no occasion in the history of men when all the people were permitted to choose their government or to exercise governmental powers. There are only instances of restrictions on the citizens in the exercise of their political rights. The whole electorate never had and will never have the opportunity of formulating and implementing national policy.

The proper definition of democracy is government by a few on behalf of the rest. The idea of providing equal

[1] Winston Churchill in the House of Commons,

[2] Giovanni Sartori : Democratic Theory.

opportunities to all in holding public offices came about only during this century. It should be admitted that in influencing and deciding on governmental policies, some people get more opportunities than others.

A difficulty that is encountered while trying to define democracy is due to the fact that political systems are in a continual flux. "In the nineteenth century, democratic government was seen mainly in terms of equality of political and legal rights, of the right to vote, to express differing political opinions and to organise political opinion through political parties, of the right of elected representatives to supervise or control the activities of the government of the day."[1] To-day the scope of the State includes much more than these.

With the change in ideas the content of the word 'democracy' changes. During the last century, everybody did not subscribe to the view that parliamentary government should be democratic. For instance, Disraeli considered democracy as "a thoroughly vicious form of government." To-day it is regarded as the best form of government. "Like the family and truth and sunshine and Florence Nightingale, democracy stands above doubt."[2]

A change in the attitude towards democracy has made it possible to use it to describe different forms of government. This is not a good sign. Reginald Basset, writing in 'The Essentials of Parliamentary Democracy' says, "people can employ the term democracy to cover anything and everything they regard as desirable; and there are even some who use it to cover anything they think undesirable." The term democracy, is used to describe a wide range of political systems—some new and some old.

Democratic System of Government

Democracy is a system of government because it fulfils two essential requirements. Democracy provides universal suffrage,

1 Dorothy Pickles : Democracy, p. 11.

2 J. K. Galbraith : Reith Lectures 1966—67, The Listener, 15 December, 1966, p 882.

functioning of political parties, free voting, and uncorrupt elections at relatively frequent intervals. Democracy also provides opportunity for constant contact with public opinion. Government in a democracy is a dialogue between rulers and ruled. It also provides for some amount of participation by their people in their government. Democracy provides the means of achieving the ends of the community.

Problems of Democratic Government

There are a number of problems facing democratic system of government. The first is adaptation of ends to means. The application of certain principles under the democratic set up produces dilemmas. For example, laws intended to increase liberty and diminish inequality produce several problems of application. When one problem is solved, a new one will emerge. The modern democratic government performs a wide variety of functions. This has resulted in the development of a number of intermediary bodies between the citizen and the State. These bodies help to make the democratic dialogue more effective. At the same time they also widen the distance between the average citizen and the State.

Direct Democracy

Direct democracy means the direct involvement of the citizens in their government. The Greeks were the first to experiment with this form of democratic government. This system was prevalent in Athens during the fifth and fourth centuries B.C. An account of a Greek democracy may be drawn from a speech delivered by Pericles, the greatest of the Atheenian leaders. He says, "we are called a democracy because the city is administered not for the few but for the majority... ......Liberty is the principle of our public life...... while we do not trouble one another by interference in private affairs, we are prevented from breaking the laws by respect for them; we obey both the magistrates and the laws, especially those which are for the protection of the injured and those unwritten laws which have the support of the public opinion." We cannot look at Greek democracy in the modern context. The Greek city-states cannot be compared either with modern nations or

with modern cities. There were also a number of unique features in Greek democracy which distinguished it from modern democracy. The modern conception of direct democracy varies from the Greek practice.

Representative Democracy

"The meaning of representative government is that the whole people or some numerous portion of them exercise through deputies periodically elected by themselves the ultimate controlling power."[1] All political systems contain some degree of representation. In every country a few represent the many. Even in authoritarian systems of government, the rulers maintain contact with the ruled through spokesmen. Representation cannot be taken as a guarantee of democracy. The modern representative government developed very slowly. During the Middle Ages, monarchy was considered a divinely ordained institution. The kings said that they were accountable to God alone. But they had to respect rules and traditions based on natural laws. The king exercised his power according to the general principles laid down by the church. But things were not smooth and there were frequent conflicts between spiritual and temporal powers. By the 17th century most of the kings were in a position to defy spiritual power. From the 16th century onwards Europe went through a long period of struggle for power. In England the divine right was successfully challenged and kings and governments came to represent the people. While England was developing the system of representative parlimentary government. France was experiencing the rule of absolute monarchs. When compared to England the European countries were slow in establishing representative government. Only after the acceptance of the theory of popular sovereignty could representative institutions be established in France. Evolution of representative government was rapid in the United States of America.

In a representative democracy all citizens have the right to elect representatives to legislative assemblies. The representative thus elected is expected to represent the interests of his

[1] John Stuart Mill : Representative Government.

constituents and also help in deciding national policy. This theoretical assumption is hard to notice in practice. This state of affairs is due to emergence of political parties. In the representative democracies today political parties play a decisive role. Political parties are inevitable. They cause both evil and good. Without them modern representative democracy will be unworkable.

Conditions for the Success of Democracy

Private property is desirable for democracy. Democracy will be stronger where the ownership of property is widely and evenly distributed. Democracy will be secure in those countries where extremes of wealth and poverty are not present. Democracy cannot be a successful working proposition among people who do not understand it. Long periods of education and democratic experience are necessary to make democracy work. Democratic vision is necessary for the success of democracy. In other words, there must be civic sense among the people. If the citizens are well-educated then democracy will be a success. Democracy develops successfully only where there is a high degree of literacy. Civic interest, awareness and independent critical thinking about public questions are necessary for the success of democracy.

Criticism

Democracy is far from perfect. The gap between democratic theory and democratic practice is very conspicuous. One charge that is levelled against democracy is that it is inefficient. It should be noted that it is rather difficult to measure the efficiency of the government. It is also said that since democratic government is controlled and directed by the majority who are unintelligent, uninformed, prejudiced, irrational, and resentful of superiority in others, it reflects the attitudes of average persons only. It is also said that the spirit of toleration is absent in democracy. Some critics regard democracy as a visionary ideal which cannot be realized. Democracy is defined by a critic as government of the people

by an elite sprung from the people.[1] It is said that democracy is unworkable under the complex conditions of modern life.

Whatever may be the criticisms levelled against democracy, it is the most popular form. No one can deny this. As Winston Churchill said, "Democracy is the worst form of government with the exception of all the rest."

Dictatorship or Authoritarian Rule

"Dictatorship is the assumption of extra-legal authority by the head of State."[2] There are two types of dictatorship. One is rule by an individual and the other is by a single political party. In a personal dictatorship the authority of the dictator will be based on force or consent or a mixture of both. The dictator will not be responsible to anyone and his powers will be unlimited. The dictator will rule authoritatively without any regard to established law. The tenure of the dictator will be uncertain.

History is filled with examples of dictatorship. From the days of the ancient Greeks and Romans till the present day we can list numerous dictators who held sway at different times in different parts of the world.

A number of causes are attributed for the rise of dictatorship. It is said that the concentration of power during emergencies gives rise to the development of dictatorship. Secondly, injustice caused to nation by other nations may also provide opportunity for the emergence of a strong man who would eventually turn a dictator. This happened in Germany. Incompetence of democratic institutions may also produce a dictator as happened in Italy. Absence of democratic traditions also may pave the way for dictatorship. This, for instance, happened in Portugal and Spain. Economic backwardness also may cause the rise of dictatorship.

1 Maurice Duverger : Political Parties, p. 425.

2 Ford : Dictatorship in the Modern World, p. 27.

Features of Dictatorship

All types of dictatorship possess certain common features. A dictator makes the State all-powerful. Government will possess absolute power. There will not be any constitutional limitations. The people will have no rights. Every sphere of activity will be subject to regulation. Violence, fraud and force will predominate the political scene. Dictatorship will not tolerate opposition. Emphasis will be placed on authority, discipline and obedience. The mass media will be fully controlled by the State and the people will be fed only that information the dictator wants them to be fed. Public opinion will be fully ignored.

Criticism

Dictatorship is totally unwelcome because it has a number of inherent weaknesses. The people lose their rights and liberties. Since the government is absolute, the people do not get an opportunity to take part in it. All dictatorships lead to war and war brings ruin. A dictatorship never outlasts the dictator. The individual is totally disregarded. In a dictatorship there is continual danger of rebellion or revolution. Since this government exists for the ruler and not for the ruled it is worthy of condemnation.

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Questions

1. What are the different forms of government ?
2. Distinguish between direct and indirect democracy.
3. Write a note on dictatorship.

CHAPTER 12

SOCIALISM — DEMOCRATIC SOCIALISM — COMMUNISM

Socialism

"More perhaps than any other theory, socialism proves to be a different creed in the hands of each of its exponents, varying with the temperaments of its advocates and the nature of the abuses which have prompted their advocacy............ The literature on this subject is so enormous, with the result that it is hard to say what exactly it is that socialism consists. Socialism, in short, is like a hat that has lost its shape because everybody wears it," writes Prof. C.E.M. Joad.

It is indeed difficult to define socialism. Socialism rose as a reaction to individualism. It may be taken both as a political philosophy and as a movement. In socialism there is an admixture of economic principles, political principles and logic. Socialism also denotes a way of life. Among the socialists, for there are many, there is both diversity and uniformity. All the socialists are agreed on the socialization of the means of production. This may be taken as the general meaning of socialism.

The following are some of the definitions of socialism:

"Socialism is a system of society in which means of the life belong to the community as a whole and are developed and operated by the community with the aim of promoting the general well-being." (Humphrey)

"Socialism is that policy or theory which aims at securing by the action of the central democratic authority better distribution and in due subordination thereto, a better production of wealth than now prevails." (Encyclopaedia Britannica)

"No better definition of socialism can be given in general terms than that it aims at the organization of material economic forces of society and their control by the human forces." (Ramsay Macdonald)

There is diversity in the content of the different definitions. One central point which uniformly recurs in all definitions is collective control of the means of production. Socialism is diametrically opposed to capitalism.

Development

From the middle of the 18th century till the middle of the 19th century, considerable development in science and arts took place in Europe and this brought the middle class into prominence. The Industrial Revolution which followed, brought to the fore the capitalist. Many social evils were perpetrated by capitalism. But due to the influence of individualism even democratic and nationalistic governments of Europe did not take any steps to eliminate or contain the evils of capitalism. As a consequence, the conditions of the working classes still worsened. Moved by the conditions of the working masses, Karl Marx developed what is known as scientific socialism. Of course, Marx was not the first to evolve the concept of socialism. Those thinkers on socialism who preceded Marx are called utopian socialists because their arguments were not solid enough. Ideas of socialism were mooted first by the eminent Greek philosopher, Plato, who wanted the abolition of private property and even private families. Socialistic ideas were advanced even during the Middle Ages. Leading socialists of the modern period were Sismondi (1773—1818), Robert Owen (1771—1885), Saint Simon (1760—1825), Charles Fourier (1772—1873), and Louis Blanc (1811—1882).

Sismondi argued for the interference of the State for the equal distribution of property. The man who started socialism in England was Robert Owen. Owen favoured healthy co-operation between capitalists and workers. Impressed by Owen's ideas and examples, the British government enacted many laws aimed at improving the lot of workers. Sain Simon, the French Socialist, also emphasised co-operation,

His aim was welfare of the poor. Charles Fourier, another Frenchman, had his own plans for the implementation of socialism. Louis Blanc built up a socialist ideology He wanted the people to possess ruling power. He also favoured nationalisation of industries. These were the ideas of the utopian socialists.

Utopian socialism lays stress on human intellect, good nature, and goodwill. The Utopian socialists were opposed to capitalism because it created social and economic inequality and also affected morality. They believed that capitalism could be supplanted by socialism by will. Utopian socialism was less realistic and more idealistic or doctrinaire. With the emergence of scientific socialism of Karl Marx, Utopian socialism vanished. Marx was for socialisation of the means of production. This is the central tenet of modern socialism.

Why Socialism ?

Socialism is opposed to Capitalism. Capitalism generates much misery to many because it exploits the poor for the welfare of the few rich. It also creates economic disparity which, in consequence, creates several social problems. Socialism seeks to set right this disparity. It is said that capitalism results in much waste of money and materials which could otherwise be put to constructive use. This is due to competition. Under capitalism, production of goods is motivated by the desire for profits. This tendency affects the production of essential articles. Socialism seeks to rectify these. Concentration of wealth in fewer hands is the outcome of capitalism. This would result in gross injustice. Socialism, by an equitable distribution of wealth, aims at establishing justice to all. Capitalism is not conducive for economic equality. In the absence of economic equality the concept of democracy would become a mockery. Socialism hopes to remedy this situation. If democracy is to succeed, then there should be economic equality.

Against Socialism

Many arguments have been advanced against socialism. It is said that socialism kills individual initiative. Work and

more work is motivated by the concept of profit. Under Socialism the question of profit does not arise because nothing is done for private gain. In the absence of profit, individual initiative to produce more will be retarded. A socialist State will be called upon to perform numerous functions. An over-burdened State will not be able to perform its functions satisfactorily. It is also argued that attainment of socialism in practice is an impossibility.

Whatever may be the content and tone of the criticisms against socialism, none can deny the fact that socialistic ideas are gaining wide currency throughout the world. Socialism in one form or another, is being practised in many parts of the world to-day. The concept of the welfare state is wedded to socialist principles.

Democratic Socialism

Socialism itself is called by various names. There are, for example, Fabian Socialism, Guild Socialism, Utopian Socialism besides several others like Scientific Socialism and Socialism by Will. One such category is what is, in recent times called 'Democratic Socialism'. The democratic socialism has received added support thanks to the incorporation of the ideals of it mostly in the democratic constitutions of the world and especially with its inclusion in the Republican Constitution of India when the Forty Second Amendment became operative.

The idea of democratic socialism, no doubt, originated in the West. It spread quickly to the East also. This became popular in India. This was due to the Indian National Congress passing a resolution in its annual conference in 1955 held in Avadi near Madras in accordance with the basic principles enunciated in the Preamble to the Constitution of India. The architects of the concept of democratic socialism, so far as India is concerned, were the late Pandit Jawaharlal Nehru and K. Kamaraj. The resolution was reaffirmed by the Indian National Congress at its annual sessions in 1957 and 1964 held respectively at Indore and Bhubaneshwar.

In fact the actual phrase employed in the resolutions of the Indian National Congress is 'socialistic pattern of society' and not exactly democratic socialism. But it is clear that the Constitution of India, in theory and practice seeks to establish and achieve to the best of its ability, politically speaking a democracy. If one reads the terms 'democracy' and 'socialistic' together, it leads to 'democratic socialism' and hence there need be no confusion about the acceptance of democratic socialism by Indian as its goal.

"Essentially, this (the phrase 'socialistic pattern of society') means that the basic criterion for determining lines of advance must not be private profit, but social gain, and that the pattern of development and the structure of socio-economic relations should be so planned that they result not only in appreciable increases in national income and employment but also in greater equality in income and wealth. Major decisions regarding production, distribution, consumption and investment—and in fact all significant socio-economic relationships must be made by agencies informed by social purpose—

The socialistic pattern of society is apt to be regarded as some fixed or rigid pattern. It is not rooted in any doctrine or dogma. The accent is on the attainment of positive goals, the raising of living standards, the enlargement of opportunities for all the promotion of enterprise among the disadvantaged classes and the creation of a sense of partnership among all sections of the community. The directive principles of State policy in the Constitution have indicated the approach in broad form; the socialistic pattern of society is a more concretised expression of this approach.

"Democracy, it has been said, is a way of life rather than a particular set of institutional arrangements. The same could well be said of the socialistic pattern."

Democratic socialism is a process by which the people or their elected representatives decide on appropriate policies for regulating the economy and providing social security in order

[1] Norman D. Palmer : The Indian Political System, pp. 112-113.

to promote the general welfare. Viewed from this point, all democratic and industrialised states are socialistic. The concept of welfare state is more relevant to the idea of democratic socialism. The merit of democratic socialism is that it seeks to implement socialism within the democratic set-up by constitutional means. It'is evolutionary in nature.

A question which is generally asked is whether democracy and socialism can go together. Scholars have tried to answer this differently depending on their views of democracy and socialism besides the conditions which are generally obtainable in the countries where this phenomenon is peculiar. But what seems to the authors of this book as pertinent is that these, namely democracy and socialism, will go hand in hand for, democracy, in addition to its being a way of life, is political in character, while socialism may be regarded as an economic concept in its essence. After all, the basic duty of any government is to promote the economic well-being of its citizens adopting such means or methods which, in its view, are suitable. It is more true in the case of democracies. In other words, modern democracies, in their eager desire to implement socialistic objectives and programmes, adopt socialistic methods. For this there is, no doubt, the general approval of the public. Therefore, it may be argued that democracy and socialism may fit in well with one another. They are mutually complementary and interdependent. Hence, there is no substance in the belief that one might destroy the other or compete with one another.

In this context it is worthwhile to refer to the circumstances under which democratic socialism emerged in the European continent and more particularly in the United Kingdom. According to some writers, democratic socialism is also known as collectivism and state socialism. It grew as a reaction against Individualism. "As governments became more sensitive to the problems of unregulated capitalism and more open to working-class representation, socialism became more democratic."[1] Democratic socialism is less a theory than an accepted practice.

1 Rodee, et al., Introduction to Political Science, p. 98

While doctrinaire socialism got firmly entrenched in the Russian soil democratic socialism made its entrance in the West, particularly Great Britain. The reason for this was the fact that the socialist movements rejected revolutionery techniques. The Christians favoured extention of suffrage, the guild socialists supported trade union organization. The Fabians were for the formation of working-class political parties. There was favourable response for these demands in Britain. Steps were taken to impreve the social and living conditions of the working classes. Measures were taken towards public ownership of essential services in the twentieth century in England. As a result of this, democratic socialism emerged in Britain.

Communism

Karl Marx (1818—1883), is the father of modern communism. The communism propounded by Marx is also known as Marxism or scientific socialism. Marx was born of Jewish parentage at Traves in Germany in 1818. In 1841 he obtained the Degree of Doctor of Philosophy for his original essay on the materialistic philosophy of Epicurus. Though Marx wanted to take up the teaching profession, his extremist views made him unwelcome in Germany. For sometime he lived in Paris. When he was exiled by the French government, Marx took up residence in Brussels. It was here that in 1848 he wrote his famous book "Communist Manifesto." Finally, he settled in London where he lived till his death in 1883. It was in England that he produced the monumental work, 'Das Capital.'

To understand the significance of Marxian Communism an idea of the society during the nineteenth century is essential. By the time the "Communist Manifesto" was published (1848), the factory system had been firmly established. "Against the competition of machine-made goods the hand worker struggled in vain, and he was left with no resource except to enter the hated factory. The workman of to-day who has known nothing else but the factory can have only a feeble idea of what it cost the domestic worker

to submit to factory discipline."[1] The working and living conditions of the industrial worker were extremely bad. Socialists were appalled by the horrors of industrialism. Emile Durkheim, the French Sociologist, described socialist thought and politics as "a cry of pain." "More recent scholars of the writings of Karl Marx argue that beneath the gloss of economic laws and political sociology what characterizes Marx's work is a philosophy of humanism."[2]

While analysing the causes for the deplorable condition of the majority of the people in industrialized countries, Marx starts with an analysis of history. His study of history is scientific or materialistic. He views man as an economic being. The early society was characterised by self-sufficiency. Each individual produced what was necessary for his survival. Later came specialization. Individuals began to specialize in the production of different goods and services. Specialization brought about differences in 'status, wealth and political power.' The two dominant classes were those who owned property and the means of production and the workers. There was conflict between these classes. Marx characterises it as class struggle. The opening sentence of Part 1 of the Communist Manifesto runs thus: "The history of all hitherto existing society is the history of class struggles."[3] In the class struggle, the bourgeois or the property-owning middle class, dominated and exploited the proletariat or the numerically large working class. As production exceeded the level of consumption, the class struggle became intensified. All along, the workers remained at the subsistence level. This explosive situation made revolution inevitable.

To explain the forces of history, Karl Marx used the 'dialectic.' This he borrowed from the German philosopher Hegel. "The dialectic refers in part to the inter-relationships of all phenomena, and any particular phenomena can be under-

1 Arthur Birnie, An Economic History of Europe, 1790—1939, p.8

2 Robert C. Tucke, Philosophy and Myth in Karl Marx

3 Feuer, Op. cit., p. 7

stood only in terms of its more general context."[1] To illustrate, only after understanding its development can one understand the characteristics of capitalism. History, to Marx, is a record of antagonistic relationships. There is conflict between nature and man, between improved methods of production, between social classes and between divergent ideologies. To explain the course of history by means of the dialectic, feudalism and economic restraint (thesis) confront capitalism and free trade (antithesis) and a conflict of these produces socialism wherein the best of capitalism and feudalism are combined (synthesis).

According to Marx, at each stage in the history of man, a particular class dominates over others and consequently controls the State. It is also said that economic power distributes political power in a society. This has been the state of affairs from the beginning. "The State, its supporting ideology, its laws, and its police and judicial apparatus are the instruments that enable one class to enforce and legitimate its exploitation of other classes in the society."[2]

Capitalist society, according to Marx, was a society of immense inequality. The majority suffered while the minority thrived. Those who were engaged in production were paid very little. As a matter of fact, they received only so much to keep their body and soul together. They did not benefit from what they produced. Marx determined the value of a commodity by the amount of labour put in to produce it. The Capitalist did not produce value. What the Capitalist did was to take away from the worker "the surplus value." This concept was introduced by Marx.

Capitalistic method of production brought large numbers of workers together. In other words, socialization of workers was made possible by Capitalism. This caused the emergence of class identity. When this awareness came in the minds of workers they realized their plight and decided to transform violently the social institutions. What takes place now is

1 Rodee, Anderson, Christol, and Greene, Introduction to Political Science, p. 76

2 Ibid, p 77

revolution. As a result of this the Capitalist class is removed from power and the "dictatorship of the proletariat is established." This is the establishment of majority rule. The working class brings under the control of the state the means of production and exchange. A number of methods are used to implement true socialism. When Capitalism is totally abolished the State would become superfluous. The State had been an instrument of exploitation. Now under the new society there are no classes to exploit or to be exploited. Hence, the State will wither away.

Criticism

We cannot agree with Marx when he says that economic factor is the only motivating force in man's life. His economic interpretation of history cannot be totally accepted. Prof. Hallowell observes that apart from economic considerations there are also other factors which motivate the human beings. Marxism is too doctrinaire. The idea that the State would wither away is untenable Before the withering away of the State Marx envisages a period of dictatorship of the proletariat. It should be noted that any type of dictatorship would lead to tyranny. Hence, even the dictatorship of the working class cannot be accepted. Marx's idea regarding surplus value has been proved wrong. Laski says, Communism is "a creed in which there is intellectual error, moral blindness and social perversity."

Even though this theory is full of shortcomings, yet it has created a universal appeal. Today we find that a number of States in Europe and elsewhere have come under the impact of communism.

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Questions

1. Define Socialism.
2. What is Democratic Socialism?
3. Examine Scientific Socialism.

CHAPTER 13

FASCISM AND NAZISM

Introduction

Fascism in Italy and National Socialism, known as Nazism or Hitleris in Germany, are generally classified in the category of dictatorships. These dictatorships represented a swing to the opposite extreme; the chief cause of their existence was the prevalence of Russian Communism or Bolshevism. All the dictatorships, however, though created for different purposes, operated on roughly the same principles.

Fascism

Fascism might never have become a real political force had it not been for the effects of Russian communists just after the Great War of 1914-18 to establish a dictatorship of the proletariat in Italy. Italy had emerged from the war with unfulfilled hopes. She had expected to gain colonial possessions and a footing on the eastern Adriatic; but this alone would not have created the conditions favourable to Fascism. The immediate cause of Fascism was economic, war debts, and budget deficits, added to the loss of productive power caused by the war, created a financial impasse. The returned soldiers were dissatisfied, and labour unrest of a particularly violent character spread from end to end of the land. Workers took possession of the factories in many areas and production kept falling. Italy, indeed was rapidly passing into the chaotic condition which revolutionists thought favourable for the creation of a dictatorship of the proletariat. In the meantime an Italian socialist, Benito Mussolini, had organised a "fighting band" (Fascio di Combattimento), with a view to securing for Italy the fruits of victory and compelling the government to make certain reforms. This group was

composed of persons from various strata of society—ex-soldiers, workers, students, literary and business men, and the sons of landowners and nobles. In 1922, Mussolini and his followers organised a march to Rome, which resulted in his capture of power, and the re-establishment of order. He gradually consolidated his position, and within a short time became the absolute master of Italy. In the early days of the movement Mussolini had organised bands of his followers to help to keep factories working and to preserve order. With the increase in power of Fascism, these followers greatly increased in number, and became an unofficial army. They wore a distinctive garb and came to be known as blackshirts."[1]

Theory of Fascism

Fascism, as the theory of the State, thus emerged in a clear way after the First World War and more particularly in the 1930s. The Fascist theory as enunciated by its propounders, was against the liberal and democratic theories of the 19th century. It was also opposed to the concept of equality and individualism. "Fascist theory was strongly influenced by the biological conception of organic unity and applied this idea to the state." To the Fascists, the state was more than a collection of individuals. It had a life and a unity of its own; its existence and its ends were more important than those of its individual members, and in case of conflicts the interests of the individual must the subordinated to those of the state. Fascist theory emphasized the historical development and the continuous existence of the state. Its preservation, expansion, and improvement must receive first consideration. The duty of the individual to the state, rather than the rights of the individual to freedom, was important. Thus emphasis on duty was considered the highest ethical value of Fascism. The necessity of sacrifice on the part of the individual in case of state need formed the justification for war, which the Fascist viewed as an eternal law of mankind. Fascist theory closely approached the transcendental conception of the state as worked out by Hegel and the other German idealists. Some of its supporters even showed

1 R. N. Gilchrist : Principles of Political Science, pp. 261—262.

traces of the divine right doctrine in their glorification of the state.

The Fascist ideal was a state, organized to promote efficiency, a disciplined people producing to the maximum in accordance with a programme, which corresponded to the interests of the national organism. It was the duty of the citizen to subordinate his interests to those of the state, and the right of the state, if necessary, to compel him to do so.

Fascists rejected the theory of democracy and popular sovereignty. For them the state, not the people, was the possessor of sovereignty. They had no confidence in the political ability of the masses or in the control of a public opinion or a general will. They denied that the people have any inherent or inalienable right to determine the form of their government or to take part in it or to dictate its policies. They believed that government, should be in the hands of a few strong and able men, wisely selected, and that the masses, misled by schemers and demagogues, are not competent to choose wisely. Hence they opposed parliamentary government based on a wide electorate. Individuals should be called upon to take part in political life of the state, and in a form of grouping determined by considerations of state welfare. Fascists believed that this is best secured by functional organization, by the establishment of trade-unions, employers' associations, co-operative bodies guilds, and the like, such as those proposed by the theories of syndicalism and guild socialism. Fascists repudiated the socialist doctrine of class struggle. In the Fascist state, capital and labour must cooperate, under compulsion if necessary, for the good of the state. This economic organization was imposed upon the people by the state and was used as a basis for the selection of representatives to a national legislative body. Fascist doctrine, however, placed chief emphasis on executive and administrative officials which form the real government. The legislative organs were expected to advise and colloborate with the executive, rather than to rule the nation. Fascists agreed with the Communists that only one party should be tolerated in the state, that the leaders of the party should control the government, that criticism of its

policies should not be permitted, and that the state should control the educational system and the means of influencing public opinion for the purpose of impressing Fascist ideas upon the people, especially upon the coming generation. Fascist theory combines the idea of social solidarity and public service, as urged by Duguit, with the syndicalist form of economic organization for the purpose of maximum economic production. It justified the use of fear and force, and used the pragmatic test of efficiency as the only useful standard. Work, discipline, unity, and action were the Fascist slogans.

Fascist theory opposed the doctrine of internationalism and exalted the national state as an independent and organized unit, the natural result of historical growth. The highest form of state was one in which political unity coincided with ethnic and geographic unity and a community of historical tradition. The duty of the state was to itself, not to the world as a whole. It must promote its strength and realize its legitimate national development. If a vigorous and prolific state needs room for its people, or needs raw materials that it cannot produce, a policy of expansion was justified. Hence, Fascist theory tended to be militaristic and imperialistic, to a view of war sometimes necessary and desirable, to emphasize the aspects of power and will in the state, and to apply to state action ethical standards of conduct different from those that prevail among individuals.

Fascism derived many of its principles from earlier Italian writers. It looked back to St. Thomas Aquinas who emphasized the necessity of unity in the political field and pointed out the dangers of rule by the many and the advantages of rule by one. It drew upon the ideas of Vico, who attacked the natural-law philosophers of the eighteenth century and pointed out the value of history and experience, criticized democracy, subordinated private to public interests, and asserted that right was of no avail without force. It owed much to the pragmatic philosophy of B. Croce, with his emphasis on the living force of history and his praise of great men of courage and daring.

Fascists constantly appeated to the Roman tradition for the purpose of stimulating national pride and patriotism. Their doctrine incorporated the ideals of Mazzini with his emphasis on nationalism and on the duty of sacrifice and his appeal to the ardent ideals of youth. Fascists had a special admiration for Machiavelli, partly because he was an Italian and sought to promote Indian unity, partly because of his practical and realistic attitude toward politics and of his belief in the use of force and the value of expansion, but especially because he gave such a high place to the state."[1]

The success of fascism also seems to depend on a fundamentally authoritarian political culture. The hallmark of fascist organization is rigid hierarchy and the rank subordination of followers to the authority of a single leader. The leader exercises charismatic appeal that reinforces his claim to infallible judgment and unquestioning obedience. The political culture that supports this style of political and social organisation is uncongenial to the patterns and forms of participation that characterize more democratic societies. In those political cultures susceptible to fascism, decision-making in the family church, and workshop; in all forms of social organization; and in the institutions of the state is distinguished more by command than by compromise, more by dogmatic assertion than by bargaining.

And it is notable that most fascist movements have arisen in Catholic countries, where the authoritarian norms of the church had been transmitted throughout the society over a long period of time and where the church resisted the development of a secular state, the organization of polititai parties, and the growth of electoral competition through the extention of the suffrage to all citizens. These trends were correctly viewed by the church as a major challenge to its dominant, and authoritarian position in the society. Where the principal institutions (including church and state) and prevailing cultural norms were opposed to democratic styles of regulating social conflict, the roots of Fascism were planted.

1 R. G. Gettell : Political Science, pp. 416 - 419

Industrial Development and Social Status

To grow and flourish, however, fascism also depended on other circumstances, and not only on weak political institutions whose already low level of legitimacy was further undermined by apparent military setbacks and economic depression.

The initial base of fascism's appeal is in the society's middle and lower middle classes, and thus the society must have experienced a significant degree of industrial development. The success of fascism has in fact been interpreted as largely a consequence of the middle classes' fear of declining social status, a fear that is all the more compelling when the middle classes are confronted by economic crisis and the simultaneous mobilization of the lower classes. The threat of the lower classes is made especially apparent by the presence of a strong trade union movement and a communist party that loudly proclaims its allegiance to socialist revolution and proletarian supremacy.

Fascism, then, may be understood as a means of continuing industrial development without jeopardizing the status of already privileged groups in the society. Their status is apparently protected by the fascist movement's emphasis on the interests of the state and nation—an ideological orientation that replaces the economic interests of the lower classes with the illusion of their comradeship in the forging of national greatness. The extent to which rightist extremism feeds on leftist extremism in also a dramatic comment on the occasional operation of a 'dialectic' in political conflict.[1]

Nazism

As one of the defeated Central Powers in World War I, Germany's treatment at the Paris Peace Conference was far more severe than Italy's. The Treaty of Versailles forced the new republican government, founded in Weimar in 1919, to admit Germany's responsibility for the war; German territories

1 Rodee, Anderson, Christol and Greene : Introduction to Political Science, p. 111

were ceded to France, Poland, Denmark, and Belgium; and the Rhineland area of western Germany was occupied—in part to ensure Germany's payment to the Allies (especially France) of massive reparations for war damages. These circumstances fueled the fires of international bitterness and domestic division, and among the many extremist group organized in Germany after the war was the National Socialist German Worker's party (NSDAP, or "Nazi", from the German pronunciation of the first two syllables of "National"). The Nazi party, however, proved to be neither socialist nor based on the German working class, and under Hitler's leadership it directed its militant appeals to all sectors of German society with the notable exception of German Jews.

Encouraged by Mussolini's success in Italy after the war, Hitler's small band of extremists attempted a coup d'etat in Munich in 1923 (the "beer-hall putsch"). The failure of the coup, Hitler's temporary imprisonment (when he wrote Mein Kampf), and especially Germany's post-war recovery, beginning with economic stablization after 1923, brought the Nazis to a low point of membership recruitment and political activity. But with the beginning of the world-wide depression in 1923, which hit the German economy with devastating force, Nazi fortunes immediately improved. As unemployment in Germany increased from 2 million to 6 million, Nazi membership rose from 100,000 in 1928 to 1·4 million in 1932, and the Nazi electorate grew by a staggering 5.5 million voters between 1928 and 1930. An enfeebled government eventually turned to Hitler, who was appointed Chancellor (or Prime minister) in January 1939. As Mussolini had already done in Italy, Hitler intimidated the political opposition and engineered parliamentary and electoral support in order to become dictator.[1]

Nationalism

It may be no coincidence that in both Italy and Germany, political unification was achieved relatively late in Modern European History (in 1871 for both countries). German and

[1] Rodee, Anderson, Christol and Greene : Introduction to Political Science, p. 110

Italian political thought consequently emphasized the historical importance of building state institutions that expressed the common cultural identities of peoples who, for centuries, had lived in separate political jurisdictions. German and Italian ideology, then invariably focussed on the nation instead of on the individual and on the citizen. Thus there was never the emphasis on individuality, natural rights, and social contract that characterized political thought elsewhere in Western Europe and in the United States. But where the political unity of the state was well-established before the onset of industrialization, social change, and intensive military conflict, classical liberalism and democratic socialism had an opportunity to develop and to mark out a domain of individual activity that was meant to protect the citizen from the activity of the state.[1]

Nazi Theory

German National Socialism was, as the name implies, essentially nationalistic. Its origin lay more in psychology than in political economic theory. Theoretically, national socialism professed to join the working or proletarian classes with other classes in democratic state. Actually it was an ideology based on "Germany for the Germans". It was intensively patriotic in character. Its ecnomic poilicy was directed towards the establishment of order internally, to fighting Bolshevism, and to gaining some of the territories lost in the war. It had also a distinctly racial side, which took the form of anti-semitism and laudation of German or Nordic characteristics and types. Much of this was due to the prevalent idea that, though Germany was beaten in the war, she did not lose in the field. The defeat, the Nazis held, was caused by subversive propaganda behind the lines; similarly, she ascribed many of her financial troubles to the Jews; Like the Communists and Fascists, the Nazi party was at great pains to educate the youth of Germany in nationalistic and patriotic channels. No opposition was allowed, and drastic measures were adopted to prevent intrigue and dissension.

1 Rodee, Anderson, Christol and Greene : Introduction to Political Science, p. 110

Nazi Organisation

The Nazi party organisation was organised on a basis of headquarters and subdivisions; the leaders of subdivisions were nominated by the central headquarters. The organisation controlled workers, organisations, and it had a corps of supporters similar to Mussolini's blackshirts. The Nazi party was controlled by Hitler, who was termed the "Leader". He controlled not only the party, but also the government machine. Using the constitution, he was able not only to be made Chancellor, but to have an Enabling Act passed permitting him and his cabinet to make laws by ordinance. The sole legislative authority for Germany was the Reichstag, and Hitler secured overwhelming support in that body. The federal states, by special laws, were brought directly under Hitler, and his cabinet. Germany thus became a unified, centralised organisation.

Common Features of Modern Dictatorships

Russian or Marxian Communism, Fascism, and German National Socialism share several characteristic features, which though described below in the past tense in respect to the two latter dictatorships, are still very much alive in regard to the first named. In the first place, they believed that the end justifies the means. In different degrees, they all used the non-moral methods of lying and violence for suppressing opposition. Force, in the ultimate issue, they regarded as the central essential of the state. Lenin indeed defined the state as "the organisation of violence for holding down one class". Secondly, they believed in the abolition of class or sectional interests but, whereas Communism seeks to secure this end by class-war and the elimination of all classes but one, Fascism and Hitlerism attempted to assimilate all classes into a national unity. Thirdly, each dictatorship had to take special measures to maintain its hegemony by force. As dissentient elements had to be suppressed, large numbers of citizens had either to be killed or segregated in prisons or camps. The chief instrument in each case of enforcing the wills of the dictators on the people was a secret police organised on a semi-military basis with wide powers of search, arrest and executive action

without recourse to courts of law. (Hence, these dictatorships are sometimes called police states.) Fourthly, though power was concentrated in a leader, and a small clique surrounding him, each dictatorship was at pains to retain the forms of legality or constitutionalism. Fifthly, each dictatorship, realising the importance of the will of the people as the ultimate basis of government, concentrated on party education, propaganda and spectacular party displays. Sixthly, as a corollary to the previous point, all the dictators made free use of censorship. The extreme form of this is the so-called "iron curtain" of the Communists, which in effect prevents all social, political and intellectual intercourse between communist and non-communist countries. Seventhly, each dictator devoted close, indeed, intense attention to domestic, social and economic programmes. Finally, all the dictatorships were at pains to justify themselves in the eyes of the rest of the world. In this respect the Communists far outdistanced the Nazis and Fascists, particularly through the organisation known as the Comintern, the purpose of which was to spread communist doctrine throughout the non-communist world with a view to the instalation of dictatorships of the proletariat in all countries. Although nominally abolished during the Second World War when the Soviet Union was in alliance with the Western democracies, the Comintern was revived after the war as the Cominform, the aims and objects of which are the same as those of its predecessor.

Conclusion

The Fascist and Nazi dictatorship disappeared in consequence of the defeat of Italy and Germany in the 1939–45 World War. The Soviet Union, on the other hand, emerged from that war in a very strong position, and Soviet-Communism has moved far beyond the confines of Russia, both westwards and eastwards. It has become fashionable among its protagonists to describe this process as the spread of social or people's democracy; but the student must be on guard against the use of the word democracy in this context.

Marxian communism represents the antithesis to democracy. It professes to recognize and give civic rights to

only one class. Democracy on the other hand, recognizes among mankind differences in ability, temperament, attainment, heredity and social circumstances. It also professes to give justice to all by allowing each citizen a free voice in affairs and by allowing to all the fundamental freedoms of person, speech, opinion and religion, and equality before the law, all of which are denied in the communist dictatorships.

To the political scientist the essence of a democratic system of government is the right of adult men and women freely to elect representatives to their legislatures. Such elections must take place either at regular intervals, such as once every four years, or, as is the case in the parliamentary system of government, when a cabinet resigns on its losing the confidence of the legislature. In exercising the right to the franchise, moreover, the citizens must have a free choice of candidates. In effect, this means that they must have power to vote for the candidate of any party, not of one party only. In the communist system there is no such free election. Electors may vote only *for*, or abstain from voting for, lists of candidates chosen by one party, the communist party. This is the negation of true democracy. In effect, such a system means that the citizen has no choice at all, for whether he votes or not, the party candidate will be returned. Moreover, in the communist system, the executive power, which is virtually irremovable, is not responsible to a freely elected legislature as in the cabinet system of government, or subject to periodic elections, as in the presidential system. Further, in communist regimes, the courts, the bulwarks of freedom in any real democratic system, are merely agents of the executive government in all matters involving communist doctrine or the policy of the dictators.

As has previously been indicated, the term "social democracy" is used to describe the Soviet and similar systems of government not because they are democracies, but because they aim at establishing a particular type of society, the Marxian classless society; and it is this object also which

underlies the term "people's democracies", the implication of which is that the "people", (i.e. workers and peasants) are opposed to all other classes. particularly the upper or privileged classes. Democracy knows no such antagonism, except through the process of party government, in which all citizens have an equal voice. The dictatorship of the proletariat is thus an extreme theory. Democracy has no room for extremes. It is a system of government by compromise, which, by adjustment of claims and interests after free discussion, secures reasonable justice for all.

The student should note that this conclusion does not condemn Marxian communism as such; it only refutes its claim to use, or rather misuse the word democracy. But herein may lie a political paradox. As has already been pointed out, modern dictatorships have attempted to maintain the appearances of democracy—for example, on paper, the constitution of the U.S.S R. is democratic in form—and by means of propaganda and education have striven to secure the support of the people. Thus, though in its earlier stages, a dictatorship may rest on force and terrorism, in time it may come to be accepted and supported by the majority of its citizens because they have been educated to believe that their own form of government is the best in and for the world. There is little doubt that, just prior to the 1939-45 World War, the majority of Italians and Germans in a free vote would have supported the Fascist and Nazi Governments, and at present probably the majority of the Russian people would support the Communist regime. Thus, it might happen that an educated people on a basis of universal suffrage might express their desire to be ruled by a dictatorship. Under such circumstances it can be argued that a dictatorship may fulfil the main requirement of democratic government, namely, that it rests on public support ascertained through the democratic instrument of free choice. Unfortunately this hypothetical case cannot be put to the test because free elections are anathema to modern dictators.[1]

[1] R. N. Gilchrist: Principles of Political Science, pp. 264—268

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Questions

1. Define Fascism.
2. What are the pre-conditions for Fascist movements?
3. Bring out the similarities between Fascism and Nazism.
4. What are the common features of dictatorship?

CHAPTER 14

GANDHISM — SARVODAYA

Gandhism

Introduction

Gandhism is the thought of Mahatma Gandhi, the Father of the Nation. Mohandas Karamchand Gandhi was born on October 2, 1869. After having qualified for the Bar, Gandhi set up legal practice first in India and later in South Africa. It was in South Africa that Gandhi started his peaceful agitations to improve the living conditions of the Indians settled there. In 1915 Gandhi returned to India and from 1920 until his death in 1948, he was fully associated with the task of ridding India of British domination. He was also concerned about uplifting the downtrodden and bringing about Hindu-Muslim amity. He dedicated his life for the cause of Indian Independence. He was a trail-blazer because he proved to the world the might of passive resistance. Both his means and goals were noble.

What is Gandhism?

Mahatma Gandhi was not a political philosopher. Nor was he an ideologue. He did not start any 'ism', neither did he find any school of thought. The collection of views on politics, society, economy, and religion is known as Gandhism. In 1936 Gandhi declared, "There is no such thing as 'Gandhism' and I do not want to leave any doctrine after me. I do not claim to have propounded any new principle or doctrine. I have simply tried in my own way to apply the basic truths to our daily life and problems. The opinions I have formed and the conclusions I have tried to arrive at are not final; I may change them tomorrow. I have nothing to teach to the

world. Truth and non-violence are as old as the hills. All I have done is to make experiments in both of them on as vast a scale as was possible for me to make. In doing this, I have sometimes erred and learnt by my error. Well, all my philosophy, if it may be called by that pretentious name, is contained in what I have said. You will not call it 'Gandhism', there is no 'ism' about it."[1]

Gandhi did not propound any theories. His philosophy of life was unique. He adopted certain principles to find solution to national and international problems. Truth, non-violence, respect for all religions and social equality were some of the principles which Gandhi held dear. His methods were satyagraha, passive non-co-operation, civil disobedience, strike and fast. Gandhi was of the view that for the achievement of good ends, good means are essential.

Influences on Gandhi

Gandhi was greatly influenced by Indian culture and religion. The Bhagwad Gita made a lasting impression on Gandhi. He said, "when doubts haunt me, when disappointments start me in the face, I turn to Bhagwad Gita and find in it a verse to comfort me." Jainism and Buddhism too influenced Gandhi considerably. "The Sermon on the Mount" from the Bible made an indelible impression in the mind of Gandhi.

John Ruskin's 'Unto This Last', David Thoreau's 'Civil Disobedience', Leo Tolstoy's 'Kingdom of God is Within You' were some of the notable works which gave shape to Gandhi's thoughts and ideas.

Gandhi on Religion and Society

Gandhi was a deeply religious man. He had reverence and respect for all faiths. He was of the opinion that there can be no politics without religion. He regarded religion as the source of morality and as the teacher of truth, non-violence and renunciation. Gandhi said that it was his religion which pushed him into politics. "If I take part in politics, it is only because politics to-day encircles us like the coils of a snake

1 P. Sitaramayya, Gandhi and Gandhism, Vol. I, p 26

from which one cannot extricate oneself, no matter howsoever much one tries. I wish to wrestle with the snake ...I am trying to introduce religion into politics."

Gandhi favoured equality in Society. He laboured hard to bring about Hindu-Muslim unity and to remove untouchability and discrimination.

Political Views of Gandhi

Gandhi is equated with The Buddha. He believed in truth, practised it in his daily life and preached it for the common good. Gandhi's eminence lies in his moral integrity. It was because of this trait in his character was he able to provide political and moral leadership to the masses of India. He practised politics according to the twin principles of truth and non-violence. "The importance of Gandhiji lies in the fact that the purified the perverse politics and elevated it to the position of pure politics," says Dr. P. Saran. Truth and non-violence were the weapons in Gandhi's armoury which he used best to counter his political opponents the British. Hobhouse says, "Non-violence means limitless love. This is the highest principle. Humanity can be saved only through this. Non-violence and truth are not separate from each other and both supplement each other. Non-violence is the weapon of the heroes. The person who believes in non-violence does not use force, even though he has sufficient strength to do so. The believer in non-violence does not harm an Englishman with thoughts, actions and words."[1] Gandhi felt that "non-violence can mould the mind of even a most cruel man."

Gandhi called Satyagraha as the power of love or will power. "The Satyagrahi does not harm his opponent and always advances either mild arguments or appeals to his intellect or wins him over through self-sacrifice. Satyagraha is a double blessing; it is a blessing for those who act according to it and also for those against whom this is employed. The Satyagrahi does not believe in defeat, because he fights for the truth untiringly. In this struggle, death is the salvation and prison is the gateway to freedom." Satyagraha was a potent

1 P. Sitaramayya: Gandhi and Gandhism, Vol. I, p. 33

weapon used by Gandhi. He was of the view that Satyagraha could be used even against armed aggression similar to that unleashed by Germany against Czechoslovakia. Gandhi used this to fight racialism in south Africa. The technique of Satyagraha was very effective in winning independence for India.

Gandhi had a conception of Swaraj or self-rule. He defined it in 1925: "Swaraj to me means freedom for the meanest of our countrymen. Real Swaraj will not come by the acquisition of authority by a few but the acquisition of capacity by all to resist authority when abused." Gandhi favoured decentralisation of power and authority. He was concerned with the conferment of more powers on village Panchayats. He said that the Central Government should be given minimum authority.

Gandhi did not view the State as an end but only as a means to an end. The end of the State, according to him, was the welfare of the people. Since he did not accept the State as a sacred institution, he permitted the people to resist the laws of the State if they were repugnant to their moral conviction.[1] Gandhi himself set an example by breaking the Salt Law of the government.

Gandhi was for assigning a new role to the police force in the State. He wanted the policemen to be the servants of the people and play the role of reformers. According to Gandhi, in the non-violent State, personal property will be very limited. Surplus property would be placed under the care of a trust.[2] Hence the number of crimes would be greatly reduced. Gandhi was against a standing army and compulsory military training. Gandhi was for a non-violent army.[3]

Gandhi on the Economy

Gandhi was not against heavy industries. He felt that heavy industries should not be established to earn profits and

1 G. Dhawan, Political Philosophy of Mahatma Gandhi, p. 293
2 "Harijan" September 1, 1940, p. 265
3 'Young India', September 24, 1925

that they should not destroy cottage industries.[1] He was not in favour of State ownership of production. He wanted the non-violent State to bring about economic self-sufficiency, social justice and equal economic opportunities to all. Forests, mines, Power and transport should be controlled by the State in the public interest. Cottage industries should be encouraged by the State. Gandhi said that "no one should have property more than what one needs". He favoured co-operative farming.[2]

The social ideal of Gandhi was a classless and stateless society. Though this view was similar to that of the Anarchists and Marxists, Gandhi was not for violent revolution and class struggle. Gandhi wanted the abolition of capitalism by economic decentralization.

An Evaluation of Gandhi

Gandhi was neither a politician nor a political philosopher. He was primarily a reformer. He practised all that he preached. Ram Rajya was his ideal State. He gave shape and substance to satyagraha and non-violence. His views on khadi or home-spun cloth, Swadeshi movement, national education, Hindu-Muslim unity, village uplift, prohibition, removal of untouchability, banning child marriage, and encouraging widow marriage were all practical ideals. Gandhi was a humanist. He was immensely influenced by religion. Dr. V. N. Varma says, "Gandhiji's place in Indian history is the same as of Washington and Jefferson in the history of the United States of America. He was a prophet like Lao-Tse, the Buddha, Zoroaster, and St. Paul." Contemporary India had been greatly influenced by Gandhi and his teachings. Government have given practical shape to many of the ideals of Gandhi. Many principles of Gandhi have found place in the Constitution of India. The organization of Village Panchayats has been greatly influenced by the views of Gandhi. The foreign policy of India too is tempered by the Gandhian concept of non-violence. The adoption or implementation of

[1] Dr. G. Dhawan, Political Philosophy of Mahatma Gandhi, pp. 309 - 310

[2] 'Harijan,' April 20, 1940. p. 97

a number of socio-economic measure could be attributed to the influence of Gandhi.

Sarvodaya

Acharya Vinoba Bhave, Kaka Kalelkar, Jayaprakash-Narayan, Dr. Kumarappa, and K. G. Mushroowala were the leaders who took up Gandhi's constructive programme after his demise in 1948. These leaders were responsible for preparing the plan for the establishment of the Sarvodaya society. In a Sarvodaya society, "there will be freedom for all and utmost equality, there will be no classes and castes, no exploitation nor unjustice, and equal opportunity for each for fuller development. Man will be the centre of such a society, but self-interests will not be the basis of social organization. Life in such a society will be integrated and whole so that work, art and play will form a unified pattern making possible the growth of an integrated human personality." The basis of the Sarvodaya society would be truth and non-violence.

Sarvodaya society will be devoid of a State. It will be in other words a stateless society. Since the proponents of the Sarvodaya movement are antagonistic towards political parties they are not for representative democracy. It is village government which meets with their approval. In the Sarvodaya society, labour and wealth will be common. The entire village will be the owner of land. The State will not be altogether abolished. Sovereignty will rest with the people. Serving the people will be the duty of government. Welfare of the people will be the base for the policies of government.

The establishment of a stateless and classless society is not an immediate possibility. Hence, the Sarvodaya leaders are for the establishment of a non-violent State during the period of transition. In the non-violent State there will be no distinction between physical and mental labour. Love and co-operation will be the basis of the society. The dictum, 'to each according to his or her need and from each according to his or her capacity', will be observed. Since land and wealth will come under common ownership, there will not be rich and

poor in the Sarvodaya society. The Sarvodaya concept differs from the Gandhian concept in that the latter was not for granting unlimited powers to the individual.

Regarding their goals, there is similarity between Sarvodaya and Marxism. Both aim at the establishment of a classless and stateless society. Both condemn exploitation and stand for equality. Sarvodaya and Marxism differ in the means advocated by each. The doctrine of Sarvodaya argues for non-violence, truth and voluntary co-operation. The Marxists believe in violent means to achieve their aims. "Gandhiji's basis was spiritualism, while Marx's basis was materialism."

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Questions

1. What is Gandhism?
2. Outline the political views of Gandhi.
3. Summarise the Sarvodaya Programme.